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BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, January 8, 2008 2:00 PM

DOCUMENTS DEPT.

JAN 10 2008

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PUBLIC LIBRARY

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Chu	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Sandoval, seconded by Supervisor Chu, moved to approve Board Meeting Minutes for November 20, 2007, December 4, 2007 and December 11, 2007. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071436 [Appropriating $33,521,354 of land sales revenue for construction at 525 Golden Gate to the San Francisco Public Utilities Commission for Fiscal Year 2007-2008]

Mayor

Ordinance appropriating $33,521,354 of San Francisco Water and Wastewater Enterprises estimated land sales revenues from properties including BART land, Petrocchi Brothers property, 425 Mason Street, Muni Transfer at Cesar Chavez, Peter Naughton Easement Transfer, Sea Cliff Lot, Chestnut and El Camino property in South San Francisco, Manzano Way lots in Fremont, PG&E Jefferson Martin Line, and Martin Gaehwhiler property, for costs related to architectural, excavation design services, construction and construction management at 525 Golden Gate Avenue to the San Francisco Public Utilities Commission for Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED

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071469 [Accept-Expend Federal Grant - Sheriff's Department]
Supervisor Alioto-Pier

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance 2007-2008) to reflect the addition of a .50 FTE 8420 Program Rehabilitation Services Coordinator in the Sheriff's Department, and a .50 FTE 2586 Health Worker II and .50 FTE 2803 Epidemiologist in the Department of Public Health, and authorizing the Sheriff's Department to accept and expend a 12-month grant in the amount of $391,556 from the U.S. Department of Health and Human Services for the Women's Integrated Skills (WISH) Project and waiving indirect costs.

FINALLY PASSED

071568 [Appropriating $250,000 Unappropriated Port Operating Fund Balance for Fuel Spill Clean-up Activities in the Port of San Francisco for Fiscal Year 2007-2008]
Mayor

Ordinance appropriating $250,000 of Unappropriated Fund Balance from the Port Operating Fund to fund fuel spill clean-up by commercial vessels under contract with the Port of San Francisco and under direction of the Cosco Busan Incident Command retroactive to November 10, 2007 in the Port of San Francisco Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

070134 [Golden Gate Park-Authorization to Construct Skate Park]
Supervisors Mirkarimi, Alioto-Pier

Ordinance making environmental findings and authorizing the creation of a skate park in the block of Waller Street in Golden Gate Park, between Stanyan Street and Kezar Drive, pursuant to Charter Section 4.113.

FINALLY PASSED

070508 [Banning alcohol in children's play areas]
Supervisors Alioto-Pier, Chu

Ordinance amending Section 4.10 of the Park Code to ban consumption of alcohol in children's play areas.

FINALLY PASSED

Recommendations of the Rules Committee

071609 **[Appointment - Sunshine Ordinance Task Force 2000]**
Resolution appointing Marjorie Ann Williams, term ending April 27, 2009 to the Sunshine Ordinance Task Force.

Marjorie Ann Williams, succeeding herself, term expired, seat 11, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for the unexpired portion of a two-year term ending April 27, 2009.

ADOPTED

071610 **[Appointment - Mental Health Board]**
Resolution appointing Richard Rodriguez, term ending January 31, 2010, to the Mental Health Board.

Richard Rodriguez, succeeding Rebecca Turner, resigned, seat 15, must be a health professional, for the unexpired portion of a three-year term ending January 31, 2010.

ADOPTED

071611 **[Appointment - Developmental Disabilities Area Board V]**
Resolution appointing Levi Nnaemeka and Donna Adkins, terms ending December 31, 2010, to Developmental Disabilities Area Board V.

Levi Nnaemeka, succeeding himself, term expired, seat 1, must represent the general public, for a new three-year term ending December 31, 2010.
Donna Adkins, succeeding herself, term expired, seat 2, must have a demonstrated interest and leadership in human services, for a new three-year term ending December 31, 2010.

ADOPTED

071617 **[Appointment - Sweatfree Procurement Advisory Group]**
Resolution appointing Jason Oringer, Alicia Culver, Sarah Leiber Church and Virginia Villegas, terms ending December 17, 2009, to the Sweatfree Procurement Advisory Group, residency requirement waived.

Jason Oringer, succeeding himself, term expired, seat 1, must have significant experience representing employees in labor matters, for a two-year term ending December 17, 2009.
Alicia Culver (residency requirement waived), succeeding herself, term expired, seat 2, must have significant experience acquiring goods or services for a public entity, for a two-year term ending December 17, 2009.
Sarah Leiber Church (residency requirement waived), succeeding herself, term expired, seat 3, must have significant experience as an advocate for human rights or the poor, for a two-year term ending December 17, 2009.
Virginia Villegas, succeeding herself, term expired, seat 5, must be a member of the public, for a two-year term ending December 17, 2009.

ADOPTED

071619 **[Appointment - San Francisco Health Authority]**
Resolution appointing Linda Bien, term ending January 15, 2010, to the San Francisco Health Authority, residency requirement waived.

Linda Bien, succeeding herself, term expired, seat 6, must be an employee in the senior management of either private nonprofit community clinics or a community clinic consortium, nominated by the SF Community Clinic Consortium, or any successor organization, for the unexpired portion of a three-year term ending January 15, 2010.

ADOPTED

071654 **[Appointment - Local Homeless Coordinating Board]**

Resolution appointing Wendy Phillips, term ending October 21, 2010, to the Local Homeless Coordinating Board.

Wendy Phillips, succeeding L. S. Wilson, Jr., resigned, seat 2, must be a representative of homeless or formerly homeless, community and advocacy organizations, service-provider agencies, business and corporate sectors or the foundation community, for the unexpired portion of a five-year term ending October 21, 2010.

ADOPTED

071550 **[Appointment - Asthma Task Force]**

Resolution appointing Denysius Cruz and Michelle Reyes, terms ending July 1, 2008, to the Asthma Task Force.

Denysius Cruz, succeeding Mariaelena Alioto, term expired, seat 5, must be an individual who is either persons with asthma, the parent of a child with asthma, or an asthma patient advocate, for the unexpired portion of a new two-year term ending July 1, 2008.
Michelle Reyes, succeeding Veronica Lightfoot, term expired, seat 6, must be an individual who is either persons with asthma, the parent of a child with asthma, or an asthma patient advocate, for the unexpired portion of a new two-year term ending July 1, 2008.

ADOPTED

071618 **[Appointment - Children and Families First Commission]**

Resolution appointing Maria X. Martinez and September Jarrett, for indefinite terms, to the Children and Families First Commission.

Maria X. Martinez, succeeding Virginia Smyly, resigned, seat 1, must be the Director of Public Health or his/her designee, for an indefinite term.
September Jarrett, succeeding Margaret Brodkin, resigned, seat 4, must be the Director of the Office of Children, Youth and Their Families or his or her designee, for an indefinite term.

ADOPTED

071612 **[Settlement of Eminent Domain Lawsuit Against the City and County of San Francisco]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $1,088,000.00; the lawsuit was filed on June 6, 2006 in San Francisco Superior Court, Case No. CGC-06-452985; entitled Pacific Gas & Electric Company v. City and County of San Francisco; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation and the Judgment in Condemnation, contained in Board of Supervisors File No. 071612. (City Attorney)

PASSED, ON FIRST READING

071575 **[Settlement of Lawsuit - Trustees of The J. David Gladstone Institutes, et al., v. CCSF]**

Ordinance authorizing settlement of the lawsuit filed by Trustees of The J. David Gladstone Institutes against the City and County of San Francisco for the payment of $420,000 to the City and County of San Francisco; the lawsuit was filed on February 13, 2007 in San Francisco Superior Court, Case No. 460-409; entitled Trustees of The J. David Gladstone Institutes, et al., v. City and County of San Francisco, et al; other material terms of the settlement are that the Lease will be amended to terminate The J. David Gladstone Institutes as a tenant of San Francisco General Hospital Building 40. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

071089 **[Warning on cough and cold medicine for infants and young children ordinance]**
Supervisors Alioto-Pier, Dufty, Ammiano

Ordinance amending the San Francisco Health Code by adding Article 36, Sections 3601 through 3609, to: (1) require businesses located in the City and County of San Francisco to post point-of-sale warnings on administering cough and cold medicine to infants and children younger than 6 years, and (2) provide penalties for violations.

Supervisor Ammiano requested to be added as a co-sponsor.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 1 - Peskin

Recommendation of the Rules Committee

071538 **[Imposing a suppression order upon the Board of Supervisors]**
Supervisor Sandoval

Motion self-imposing a suppression order upon members of the Board of Supervisors and its staff after the Ethics Commission has forwarded to the Board a recommendation in the official misconduct proceedings against Supervisor Edmund Jew.

Supervisor Chu was previously excused from voting on this matter.
Continued to January 29, 2008

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

Recommendation of the Government Audit and Oversight Committee

071593 **[Agreement with King Security Services Inc. for Armed and Unarmed Security Guard Services]**
Supervisor Elsbernd

Resolution authorizing a three year agreement, with option to renew for up to an additional two years, with King Security Services, Inc. for an amount not to exceed $17,100,000.

(Supervisor Daly dissented in Committee.)
(Fiscal Impact.)

Continued to February 5, 2008

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

071218 **[Charter Amendment - San Francisco Affordable Housing Fund and Public Accountability]**
Supervisors Daly, Ammiano, Mirkarimi, Peskin, Maxwell, Sandoval, Dufty, McGoldrick

Charter amendment (Fourth Draft) to add Section 16.127 to: establish a baseline appropriation and set aside the equivalent of the available annual tax of two and one-half cents ($0.025) on each one hundred dollars ($100) of assessed property tax valuation for the next fifteen (15) years to support affordable housing programs; require the Mayor's Office of Housing, in cooperation with the Department of Public Health and Department of Human Services, to prepare an affordable housing plan every three (3) years and an annual affordable housing budget; affirm City policy urging the Redevelopment Agency to use at least fifty percent (50%) of its tax increment funds for low and moderate income housing; and set an expiration date of July 1, 2024.

The President inquired as to whether any member of the public wished to address the Board members.
Jamie Whitaker; opposed the housing affordable Charter amendment
Calvin Welsh; supported the housing affordable Charter amendment
Laura Carrol; opposed the housing affordable Charter amendment
Labor Council; supported the housing affordable Charter amendment with certain stipulations
Female speaker; supported the housing affordable Charter amendment
Male speaker; supported the housing affordable Charter amendment
Victoria; supported the housing affordable Charter amendment
Edmond; supported the housing affordable Charter amendment
The President declared the public hearing closed.

ORDERED SUBMITTED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071521 [Public Works Code - cafe tables and chairs permit fee]
Supervisors Chu, Dufty, Mirkarimi

Ordinance amending Public Works Code Sections 2.1.1 to update the cafe tables and chairs permit fee and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071594 [Grant to support substance abuse and HIV/AIDS related services]
Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the Substance Abuse and Mental Health Services Administration and the Center for Substance Abuse Treatment (SAMHSA/CSAT) in the amount of $397,919 for the period of September 30, 2007 through September 29, 2008, and a subcontract with Asian and Pacific Islander Wellness Center for $318,619 for the same time period.

Supervisor Ammiano requested to be added as a co-sponsor.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

071136 [Recreation and Park Department - Camping, Sleeping]
Mayor

Ordinance amending San Francisco Park Code Section 3.12 to prohibit cooking, and to prohibit modification of park landscape to create a shelter; and amending Section 3.13 to prohibit sleeping in any park from 8:00 p.m. to 8:00 a.m.

(Supervisor Daly dissented in Committee.)

Supervisor Daly, seconded by Supervisor Ammiano moved an amendment of the whole.
Motion to amend failed by the following vote:
Ayes: 5 - Ammiano, Daly, Maxwell, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, McGoldrick, Peskin

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to further amend by changing the time to "10pm to 6am."
Motion to amend failed by the following vote
Ayes: 4 - Daly, McGoldrick, Mirkarimi, Peskin
Noes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Sandoval

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to further amend relating to the issuing citations to individuals.
Motion to amend passed by the following vote:
Ayes: 7- Ammiano, Chu, Daly, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Dufty, Elsbernd, Maxwell

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Ordinance be PASSED ON FIRST READING AS AMENDED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Ammiano, Daly, Sandoval

Recommendations of the Land Use and Economic Development Committee

071441 [Urging banks to work with the City to address the affects of subprime lending and calling on the Federal Reserve to take action at the national level to end predatory loan practices]
Supervisor Ammiano

Resolution urging banks to work with the City to address foreclosures and subprime loan practices; calling on the Federal Reserve to prohibit loans at unaffordable rates, end the misuses of stated loans, eliminate prepayment penalties, and designate failure to escrow taxes and insurance in subprime loans as a deceptive practice.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071634 [San Francisco Fair Lending Working Group]
Supervisors Maxwell, Ammiano

Resolution establishing a San Francisco Fair Lending Working Group, comprised of industry, community, and City representatives, to study and recommend responses to the current mortgage foreclosure crisis and to provide an initial progress report to the Board of Supervisors within 45 days of its first meeting.

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Public Safety Committee

071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys and investigators to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

Continued to January 15, 2008

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

071553 [Authorizing Tax Collector Attorney to file suit against a responsible relative of recipient of services at City hospitals to recover value of services]

Resolution authorizing Tax Collector Attorney to file suit against a responsible relative to recover value of services rendered at hospital facilities operated by the San Francisco Department of Public Health. (Treasurer-Tax Collector)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071565 [Extending the expiration of the legislation establishing the Back Streets Business Advisory Board to December 31, 2008]
Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by amending Section 5.265, to retroactively extend the expiration of the legislation establishing the Back Streets Business Advisory Board to December 31, 2008.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

Supervisors Dufty, Maxwell and Sandoval were noted absent at 4:05 p.m.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

Continued to January 29, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin
Absent: 3 - Dufty, Maxwell, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 29, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin
Absent: 3 - Dufty, Maxwell, Sandoval

070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 29, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin
Absent: 3 - Dufty, Maxwell, Sandoval

070913 [Preparation of findings related to the 3424 Jackson Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to January 29, 2008

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin
Absent: 3 - Dufty, Maxwell, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless
Female speaker' showed interest in a Chinese New Year Spectacular presentation
Kathy Dang; showed interest in the Chinese New Year Spectacular
Male speaker; expressed concern with issues relating to the Zoo incident
James Chaffee; expressed concern with issues relating to the SF Public Library
Eugene Gordon Jr.; expressed concern with issues relating the violation of human rights conditions
Denise Bobla; expressed concern with issues relating to the Zoo incident
Dr. Katz; expressed concern with issues relating to the Zoo incident
Denise Dury; expressed concern with issues relating to health care and Prop. 15
SF Paient's Advocate: expressed concern with issues relating to health care and Prop. 215
Female speaker; expressed concern with issues relating to health care and sleeping bans and critical SF issues
John di Donna; expressed concern with issues relating to houses and housing and mortgage issues
Male speaker; showed support for medical marijuana
Owen Duffty; expressed concern with issues relating to the Zoo incident
Julie Ruffers; expressed concern with issues relating to the Zoo incident
Edmond; support of medical marijuana

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

071680 [Urging the California State Assembly to pass Assembly Bill 23]
Supervisors Dufty, Ammiano, Peskin, Mirkarimi, Sandoval

Resolution urging the California State Assembly to pass Assembly Bill 23.

ADOPTED

071682 [Approval of an additional 120-day extension for Planning Commission review in order to allow the Planning Department to meet the goals of this legislation through the Eastern Neighborhoods Rezoning]
Supervisor Daly

Resolution extending by an additional 120 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the Planning Code by repealing Section 825.1 and amend Planning Code Sections 135, 309.1, 318.3, 809, 825 and 827 to apply many of the provisions of Rincon Hill Downtown Mixed Use Zoning District to all Downtown Residential Districts and to add design requirements to enhance the pedestrian environment.

ADOPTED

071683 [Approval of a 90 day extension for Planning Commission review for Planning Code Amendment of C-3 Development Impact Fees]
Supervisor Daly

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed ordinance that would require the City Controller to study the impacts of new development in the C-3 zoning districts, requiring the Board of Supervisors to amend City codes to establish new development impact fees and/or to change the amounts of existing fees for development in the C-3 zoning districts, depending on the results of the study, and making environmental findings, General Plan findings, and other required findings.

ADOPTED

080007 [Final Map - 3520 20th Street]
Motion approving Final Map 4263, a 14 Unit Residential and 3 Unit Commercial Mixed-Use Condominium Project, located at 3520 20th Street being a subdivision of Lot 120 in Assessors Block No. 3596 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,279; District 9.)

APPROVED

080008 [Final Map - 3350 20th Street]
Motion approving Final Map 4398, a 6 Residential Unit and 2 Commercial Unit Mixed – Use Condominium Project, located at 3350 20th Street being a subdivision of Lot 015 in Assessors Block No. 3594 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,297; District 9.)

APPROVED

080009 [Final Map - 300 Laguna Honda Boulevard]
Motion approving Final Map 2712, a 22 Unit Residential Condominium Project, located at 300 Laguna Honda Boulevard being a subdivision of Lot 001 in Assessors Block No. 2864 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,301; District 7.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, McGoldrick, Mirkarimi, Peskin
Absent: 3 - Dufty, Maxwell, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080002 **[Settlement of Lawsuit - Daniel Worrell]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Worrell against the City and County of San Francisco for $585,000; the lawsuit was filed on August 25, 2006 in San Francisco Superior, Case No. 455-569; entitled Daniel Worrell v. City and County of San Francisco, et al. (City Attorney)

12/7/07, RECEIVED AND ASSIGNED to Rules Committee.

080015 **[Settlement of Lawsuit - Francis Kelly et al.]**

Ordinance authorizing the settlement of a lawsuit filed by Francis Kelly et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $755,000.00 plus accrued interest; the lawsuit was filed on February 25, 2005, in the United States District Court for the Northern District, Case No. C05-1287, entitled Francis Kelly, et al., v. City and County of San Francisco, et al. (City Attorney)

12/20/07, RECEIVED AND ASSIGNED to Rules Committee.

080019 **[Implementing the Controller's Whistleblower Program]**

Ordinance amending the Campaign and Governmental Conduct Code by amending Sections 4.100 and 4.115 and adding Sections 4.107 and 4.123 to implement the provisions of Charter Appendix F1.107 for the operation of the Controller's Whistleblower Program, to protect the confidentiality of whistleblowers and the investigation of complaints, and to provide protection from retaliation, and repealing Section 4.125 and adding a new Section 4.125 to prohibit the furnishing of false information in, and require cooperation with, whistleblower investigations conducted by the Controller or any other officer or department. (Controller)

12/26/07, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTION

080018 **[Public Auction]**

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

12/26/07, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:22 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

76
59
/15/08

Tuesday, January 15, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Agenda

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Wynns	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Chu	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

JAN 18 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board of the Board of Supervisors informed the Board members that Edmund Jew has resigned as Supervisor and Mayor Gavin Newsom has appointed Carmen Chu as the Supervisor for District 4.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

071521 [Public Works Code - cafe tables and chairs permit fee]
Supervisors Chu, Dufty, Mirkarimi

Ordinance amending Public Works Code Sections 2.1.1 to update the cafe tables and chairs permit fee and making environmental findings.

FINALLY PASSED

Recommendation of the Rules Committee

071565 [Extending the expiration of the legislation establishing the Back Streets Business Advisory Board to December 31, 2008]
Supervisor Maxwell

Ordinance amending the San Francisco Administrative Code by amending Section 5.265, to retroactively extend the expiration of the legislation establishing the Back Streets Business Advisory Board to December 31, 2008.

FINALLY PASSED

071575 **[Settlement of Lawsuit - Trustees of The J. David Gladstone Institutes, et al., v. CCSF]**

Ordinance authorizing settlement of the lawsuit filed by Trustees of The J. David Gladstone Institutes against the City and County of San Francisco for the payment of $420,000 to the City and County of San Francisco; the lawsuit was filed on February 13, 2007 in San Francisco Superior Court, Case No. 460-409; entitled Trustees of The J. David Gladstone Institutes, et al., v. City and County of San Francisco, et al; other material terms of the settlement are that the Lease will be amended to terminate The J. David Gladstone Institutes as a tenant of San Francisco General Hospital Building 40. (City Attorney)

FINALLY PASSED

071612 **[Settlement of Eminent Domain Lawsuit Against the City and County of San Francisco]**

Ordinance authorizing settlement of the lawsuit filed by Pacific Gas & Electric ("PG&E") against the City and County of San Francisco for $1,088,000.00; the lawsuit was filed on June 6, 2006 in San Francisco Superior Court, Case No. CGC-06-452985; entitled Pacific Gas & Electric Company v. City and County of San Francisco; other material terms of said settlement are set forth in the Stipulation for Entry of Judgment in Condemnation and the Judgment in Condemnation, contained in Board of Supervisors File No. 071612. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

071136 [Recreation and Park Department - Camping, Sleeping]
Mayor

Ordinance amending San Francisco Park Code Section 3.12 to prohibit cooking, and to prohibit modification of park landscape to create a shelter; and amending Section 3.13 to prohibit sleeping in any park from 8:00 p.m. to 8:00 a.m.

(Supervisor Daly dissented in Committee.)

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Chu

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

Recommendation of the Public Safety Committee

071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys and investigators to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

Continued to January 29, 2008

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

061379 **[Hearing - Acquisition of Property By Eminent Domain-Islais Creek MUNI Maintenance Facility]**

Hearing of persons interested in or objecting to proposed resolution authorizing the acquisition of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets, consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the General Plan and City Planning Code Section 101.1.

The President inquired as to whether any member of the public wished to address the Board members.

The President declared the public hearing closed.
FILED.

Committee of the Whole Adjourn and Report Without Recommendation

061377 **[To acquire property by Eminent Domain-Islais Creek MUNI Maintenance Facility]**
Supervisor Maxwell

Resolution authorizing acquisition of 2.8 acres of property adjacent to City property at Indiana and Cesar Chavez Streets, consisting of portions of Assessor's Lots 2, 2A and 13 in Block 4349 and a portion of Assessor's Lot 3 in Block 4382, in the City and County of San Francisco, for construction of the Municipal Railway's new Islais Creek Motor Coach Operations and Maintenance Facility; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31, and adopting findings under the General Plan and City Planning Code Section 101.1.

(Fiscal impact.)

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071579 **[Approval of Modification No. 1 of Lease and Operating Agreement L-99-0321 with Cathay Pacific Airways, Ltd., at San Francisco International Airport]**

Resolution approving and authorizing the execution of Modification No. 1 of Lease and Operating Agreement L-99-0321 with Cathay Pacific Airways, Ltd., for office space in the International Terminal of San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071580 **[Approval of Lease Agreement L-07-0255 with Singapore Airlines Cargo Pte., Ltd. at San Francisco International Airport]**

Resolution approving and authorizing the execution of Lease Agreement L-07-0255 with Singapore Airlines Cargo Pte., Ltd. for cargo warehouse and office space in Building 710 on Plot 12 of San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071676 **[Grant to support the Shape Up BVHP program]**

Supervisor Peskin

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a two-year grant from Kaiser Permanente in the amount of $150,000 for the project entitled "Shape Up BVHP," for the period of October 1, 2007 through September 30, 2009, which includes a subcontract with the SF Study Center for $130,610 for the same time period.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Government Audit and Oversight Committee Without Recommendation

071371 [Increasing the gate fee that may be charged by "full-service" taxicab companies from $91.50 to $110, provide for annual adjustments to the gate fee cap, and ratifying gate fees previously charged retroactive to January 1, 2003]
Supervisor Alioto-Pier

Ordinance amending the San Francisco Police Code by adding Section 1137.1, to: increase the gate fee that may be charged by "full-service" taxicab companies, as defined in the ordinance, from $91.50, as authorized by Board Resolution No. 605-06, to $110; provide for annual adjustments to the gate fee cap and, ratify gate fees previously charged retroactive to January 1, 2003.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Marc Huestis.
Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Captain John Ehrlich, SFPD.
Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to members of the San Francisco Police Department Dream Team.
Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Lee Ann Monferdini.

SPECIAL ORDER 3:30 P.M.

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to March 18, 2008

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to March 18, 2008

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070969 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to March 18, 2008

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

080010 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 652 Duncan Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007 that a project at 652 Duncan Street (Building Permit Application No. 2005.12.23.0995, Case No. 2006.0665D) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed project is a horizontal addition of two bedrooms and bathroom on a first floor and a dining room on a second floor, a vertical addition of a bedroom and bath, renovation of a kitchen and seismic improvements to a single-family dwelling, located in a RH-1 (Residential House, One-Family) District and a 40-X Height and Bulk District (Assessor's Block 6589, Lot 002J).
(Appellant: Stephen M. Williams)

(Filed December 7, 2007; companion measure to 080011, 080012, 080013; District 8.)

The President inquired as to whether any member of the public wished to address the Board.
Continued to February 5, 2008

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080011 [Affirming the categorical exemption issued for the 652 Duncan Street project]

Motion affirming the determination by the Planning Department that the 652 Duncan Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 5, 2008

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080012 [Disapproving the categorical exemption issued for the 652 Duncan Street project]

Motion disapproving the determination by the Planning Department that the 652 Duncan Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 5, 2008

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080013 [Preparation of findings related to the 652 Duncan Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 652 Duncan Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 5, 2008

Supervisor Dufty, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Female speaker; expressed concern with issues relating to Falun Gong persecution
Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
Male speaker; expressed concern with issues relating to women's rights
Male speaker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell
Pastor Gary Banks; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell
Richard Robinson; expressed concerns with issues relating to homosexuality
Mr. Webb; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell
Pastor Aurillus Walker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell
Francisco da Costa; showed support for the proposed affordable housing legislation proposed by Supervisor Daly
Male speaker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell
Jim Queen; showed support for the proposed affordable housing legislation proposed by Supervisor Daly
Female speaker; showed support for the proposed affordable housing legislation proposed by Supervisor Daly
Alicia Schwartz; showed support for the proposed affordable housing legislation proposed by Supervisor Daly
Female speaker; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell
Daniel Lander; showed support for the proposed affordable housing legislation proposed by Supervisor Daly
Arnold Townsend; expressed concern with issues relating to the proposed affordable housing legislation, proposed by Supervisor Daly, for the Bay View Hunter's Point area and showed support for Supervisor Maxwell
Abdullah Megaheed; expressed concern with issues relating to the working for the City together

Supervisor Daly was noted present at 3:14 p.m.

CLOSED SESSION

080076 **[Closed Session - Existing Litigation, City as Defendant]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding existing litigation, SN SANDS Corporation, DBA S & S Trucking vs. the City and County of San Francisco, San Francisco Superior Court No. 507-848.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit. (City Attorney)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The Board recessed at the hour of 3:48 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:
Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Vince Chabria, Deputy City Attorney
Angela Calvillo, Clerk of the Board
Kay Gulbengay, Deputy Clerk

Reconvening of the Board

The Board at the hour of 4:45 p.m. reconvened.

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved not to disclose its closed session deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor Daly was noted absent at 3:00 p.m.

080067 [Commending Margaret Cooch upon her retirement]
Supervisors Mirkarimi, Ammiano, Daly

Resolution commending Margaret Cooch upon her retirement as Executive Director of Planning for Elders and honoring her life-long service to the broader communities of senior and people with disabilities.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED

080068 [Urging San Franciscans not to purchase eggs produced by caged hens]
Supervisor Peskin

Resolution urging San Franciscans not to purchase eggs produced by caged hens and opposing the factory farming practice of confining egg-laying hens in battery cages.

ADOPTED

080070 [San Francisco joins with others to form the creation of California Green Cities]
Mayor

Resolution committing San Francisco to join other California cities in an effort to promote local, regional, and national sustainability measures, called California Green Cities.

ADOPTED

080071 [Funds to support risk reduction project]
Supervisors Dufty, Ammiano

Resolution authorizing the San Francisco Department of Public Health (DPH), HIV Research Section to enter retroactively into an agreement in the amount of $48,444 with Public Health Foundation Enterprises (PHFE), the primary contractor, to participate in a project regarding risk reduction counseling; for the period of August 1, 2007 through July 31, 2008.

ADOPTED

ADOPTED

080072 **[Approval of a 30 day extension of Planning Commission review - Union Street Neighborhood Commercial District]**
Supervisor Alioto-Pier

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full service restaurants that satisfy specific requirements and obtain conditional use authorization; and making environmental findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

080073 **[Urging the California State University system to develop uniform hiring policies to ensure workforce diversity]**
Supervisor Sandoval

Resolution urging the California State University system to develop uniform hiring policies to ensure workforce diversity.

ADOPTED

080074 **[Approval of a second 90 day extension for Planning Commission review - adoption or expenditure of neighborhood impact fees]**
Supervisor Alioto-Pier

Resolution extending by an additional 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would add Planning Code Section 320, 320.1, 320.2 and 320.3 establishing a process to permit the adoption or expenditure of neighborhood impact fees as defined in the ordinance only after the Planning Department has conducted or caused to be conducted an impact study supporting the imposition of such a fee and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

080069 **[Concurring in January 4, 2008 Proclamation of Local Emergency]**
Mayor, Supervisor Peskin

Motion concurring in the Mayor's January 4, 2008 Proclamation of Local Emergency, and in the actions taken to meet the emergency.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080054 [Settlement of Lawsuits and Claims]

Ordinance authorizing settlement of claims made by Plaintiffs Kurt Bruneman, Tom Feledy, Narda Gillespie, Michael Hughes, Gregory Mar, Donna Meixner, Mark Osuna, Frederick Schiff, Mark Sullivan, Dennis Quinn, Donald Woolard, Michael Zurcher in a multi-party action against the City and County of San Francisco for $1,600,000.00, and City to credit Mark Sullivan with 125.5 compensation time hours; the three lawsuits for the above-mentioned plaintiffs were all filed in the United States District Court, Northern District, Case No. C03-4345 (filed on January 16, 2003 and entitled Frederick Schiff v. City and County of San Francisco, et al.), Case No. C04-2261 (filed on June 8, 2004 and entitled Narda Gillespie, et al. v. City and County of San Francisco, et al.), Case No. C04-2262 (filed on June 8, 2004 and entitled Mark Osuna v. City and County of San Francisco, et al.). (City Attorney)

1/3/08, RECEIVED AND ASSIGNED to Rules Committee.

080055 [Settlement of Lawsuit - Teresa Yeung]

Ordinance authorizing the settlement of a lawsuit filed by Teresa Yeung, against the City and County of San Francisco for $87,500.00; the lawsuit was filed on July 23, 2007, in San Francisco Superior Court, Case No. 07-465400, entitled Teresa Yeung v. City and County of San Francisco.

1/3/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

080051 [Emergency contract to design and install permanent high voltage electrical distribution system at San Francisco General Hospital]

Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60, to install a new, permanent high voltage electrical distribution system at San Francisco General Hospital. (Public Works Department)

1/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080052 [Airport Lease and Operating Agreement]

Resolution approving the exercise of the second of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

1/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080053 [Airport Concession Lease]

Resolution approving the Boarding Area "F" Candy Store and Kiosks Lease between Pacific Gateway Concessions, LLC., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

1/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080056 [Approving a modified term in excess of ten years for Consultant Contract ENEN99000032-01 with TRC-Imbsen & Associates, for services related to the Fourth Street Bridge]

Resolution approving a modified term in excess of ten years for Consultant Contract ENEN99000032-01with TRC-Imbsen for design professional services related to the Fourth Street Bridge Seismic Retrofit and Rehabilitation project, under Charter Section 9.118(b). (Public Works Department)

1/3/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:46 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, January 29, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Chu	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

COMMUNICATIONS

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services

071630 [Accept - Expend Grant, DPH - $213,498]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant from the California HIV/AIDS Research Program of the University of California in the amount of $213,498 for the project entitled "Acute HIV Infection Detection in San Francisco and San Mateo," for the period of October 1, 2007 through December 31, 2008, which includes a subcontract with the San Mateo County Health Department for $31,481 for the same time period.

ADOPTED

071633 [Accept-Expend Bequest of Phyllis C. Wattis Trust]
Supervisor Elsbernd

Resolution authorizing the San Francisco Public Library to accept and expend $150,000 from the Friends of the San Francisco Public Library (Friends) from the endowment fund established at the Friends by the PHYLLIS WATTIS Trust for public service improvements at the Main Library.

ADOPTED

071638 [Accept-Expend Federal Grant, Mayor's Office of Criminal Justice - $137,989]
Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $137,989 from the United States Department of Justice (DOJ), Bureau of Justice Assistance (BJA), under the Bulletproof Vest Partnership program to purchase armor vests for law enforcement officers in the Sheriff's Department, Police Department, Office of the District Attorney, Juvenile Probation Department and Adult Probation Department.

ADOPTED

071639 [Accept-Expend State Grant, SF Port Commission - $710,000]
Supervisor Maxwell

Resolution authorizing the San Francisco Port Commission to accept and expend a total of $710,000 in grant funds from the California Coastal Conservancy ($200,000) and the California Department of Boating and Waterways ($510,000) to fund the Pier 52 Public Boat Launch Project.

ADOPTED

071640 [Accept-Expend State Grant, SF Port Commission - $200,000]
Supervisor Maxwell

Resolution authorizing the San Francisco Port Commission to accept and expend a grant in the amount of $200,000 from the California Cultural and Historical Endowment for planning activities at Pier 70.

ADOPTED

Recommendations of the Land Use and Economic Development Committee

071581 [Changing the official sidewalk width - Townsend Street]
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1576 to change the official sidewalk width on the northerly side of Townsend Street between 6th and 7th Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1 and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

(DPW Order No. 177,191)

PASSED, ON FIRST READING

071449 [Acceptance of the gift related to the improvement of a portion of the Lyon Street Stairs]
Supervisors Alioto-Pier, Sandoval

Resolution acknowledging and accepting Richard C. Blum's gift to refurbish a portion of the Lyon Street Stairs and dedicating these improvements to public use.

ADOPTED

Recommendations of the Public Safety Committee

071636 **[Accept-Expend State Grant, Chief of Police - $235,252]**
Supervisor Dufty

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $235,252 from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for a program entitled "COPSmeth 2007 San Francisco".

ADOPTED

071635 **[Accept-Expend State Grant, Chief of Police - $295,000]**
Supervisor Dufty

Resolution authorizing the Chief of Police for the City and County of San Francisco to Retroactively accept and expend a grant in the amount of $295,000 from the Governor's Office of Emergency Services for a project entitled "California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET)" program.

ADOPTED

071665 **[Accept-Expend State Grant, Chief of Police - $220,000]**
Supervisor Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $220,000 from the Governor's Office of Emergency Services for a program entitled "Anti-Gang Initiative/Project Search & Rescue".

ADOPTED

071666 **[Accept-Expend Federal Grant, Chief of Police - $754,618]**
Supervisor Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $754,618 from the U.S. Department of Justice, Bureau of Justice Assistance for a program entitled "Byrne 2007 Discretionary Grant Program; BJA-Targeting Violent Crime Initiative".

ADOPTED

080048 **[Accept-Expend Federal Pass Through Grant - Department of Emergency Management, Division of Emergency Services]**
Supervisor Elsbernd

Resolution authorizing the Department of Emergency Management, Division of Emergency Services, to accept and expend a Federal pass through grant in the amount of $950,000 from the Governor's Office of Homeland Security for the Buffer Zone Protection Program, and to enter into an MOU with Bay Area Rapid Transit (BART) to fund critical infrastructure needs.

ADOPTED

Recommendations of the Rules Committee

080002 **[Settlement of Lawsuit - Daniel Worrell]**
Ordinance authorizing settlement of the lawsuit filed by Daniel Worrell against the City and County of San Francisco for $585,000; the lawsuit was filed on August 25, 2006 in San Francisco Superior, Case No. 455-569; entitled Daniel Worrell v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080015 **[Settlement of Lawsuit - Francis Kelly et al.]**

Ordinance authorizing the settlement of a lawsuit filed by Francis Kelly et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $755,000.00 plus accrued interest; the lawsuit was filed on February 25, 2005, in the United States District Court for the Northern District, Case No. C05-1287, entitled Francis Kelly, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080028 **[Appointment - Library Citizens Advisory Committee]**

Motion appointing Theodore Bamberger, term ending July 18, 2008, to the Library Citizens Advisory Committee.

Theodore Bamberger, succeeding Richard Mason, term expired, seat 12, must be member from the community at large, representative of senior citizens, for the unexpired portion of a two-year term ending July 18, 2008.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

071136 **[Recreation and Park Department - Camping, Sleeping]**

Mayor

Ordinance amending San Francisco Park Code Section 3.12 to prohibit cooking, and to prohibit modification of park landscape to create a shelter; and amending Section 3.13 to prohibit sleeping in any park from 8:00 p.m. to 8:00 a.m.

(Supervisor Daly dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Ammiano, Daly, Sandoval

Recommendation of the Public Safety Committee

071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys and investigators to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

Continued to February 12, 2008

Supervisor Sandoval, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

071538 [Imposing a suppression order upon the Board of Supervisors]
Supervisor Sandoval

Motion self-imposing a suppression order upon members of the Board of Supervisors and its staff after the Ethics Commission has forwarded to the Board a recommendation in the official misconduct proceedings against Supervisor Edmund Jew.

Supervisor Sandoval, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Budget and Finance Committee

080018 [Public Auction - Sell certain parcels of tax-defaulted real property]

Resolution authorizing Tax Collector to sell at public auction certain parcels of tax-defaulted real property. (Treasurer-Tax Collector)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

071607 [Trans Fat Free Program Ordinance]
Supervisors Maxwell, Peskin, Ammiano, Alioto-Pier, McGoldrick

Ordinance amending the San Francisco Health Code by adding Article 37, Sections 3701 through 3711, to: (1) encourage restaurants located in the City and County of San Francisco to discontinue the use of artificial trans fat in food served to customers by creating an incentive program, and (2) provide regulations for the voluntary trans fat free program.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071247 [Liquor License Transfer - 22 Sixth Street]

Resolution determining that the transfer of a Type 21 off-sale general alcoholic beverage license from 26 6th Street to 22 6th Street (District 6) to Jamal Taha for Rite-by Grocery, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071067 [Liquor License - 2598 San Bruno Avenue]

Resolution determining that the issuance of a Type 40 on-sale beer license to John Casimier Mitchell for Fat Beli Deli located at 2598 San Bruno Avenue (District 10), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code; with conditions.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

071681 [Changing the name of an approximately 200-ft long portion of Jessie Street bounded by 5th and Mint Streets and a 75-ft long portion of Mint Street to Mint Plaza]
Supervisor Daly

Resolution changing the name of an approximately 200-foot-long portion of Jessie Street (from 400 to 426 Jessie Street), bounded by 5th Street and Mint Street and an approximately 75-foot portion of Mint Street (containing one address, 54 Mint Street) to Mint Plaza, in recognition of the newly constructed pedestrian plaza that now occupies those areas.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080036 **[Adopting the Planning Department's report on File 071534 - Interim Moratorium on Institutional Uses in the Western SoMa]**

Motion adopting the Planning Department's report on File No. 071534 – an interim zoning moratorium to prohibit the establishment of new institutional uses in the Western SoMa Planning Area Special Use District for 45 Days.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Public Safety Committee

080049 **[Accept and Expend FY 07 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY 2007-2008]**

Supervisor Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco as the primary grantee for the combined Bay Area Urban Area ("Super UASI" or "SUASI") region and as the fiscal agent for the SUASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative ("UASI") grant in the amount of $27,304,000 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security; amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the extension of eight grant-funded positions at the following Departments: Emergency Management; Police; Fire; Health; and Sheriff; and amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the addition of six grant-funded positions at the Department of Emergency Management.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee With Recommendation "Do Submit"

071664 **[Charter Amendment - Retired employees convicted of crimes involving moral turpitude in connection with their employment to forfeit any right to pension benefits funded from employer contributions]**

Supervisor Elsbernd

Charter amendment (First Draft) to amend Sections A8.584-9, A8.586-12, A8.587-9, A8.588-12, A8.597-12 and A8.598-12, and by adding Sections A8.584-13, A8.586-16, A8.587-14, A8.588-16, A8.597-16 and A8.598-16 to reaffirm the voters' intent that members convicted of a crime involving moral turpitude in connection with their duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, County of San Francisco, shall forfeit any right to a retirement benefit funded, in whole or in part, from contributions by the City and County, the school district, or the college district.

Continued to February 5, 2008

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Board of Supervisors Sitting as a Committee of the Whole

Supervisor McGoldrick was noted absent at 2:40 p.m.

071588 [Hearing at the Full Board on the response to the November 7, 2007 oil spill in the San Francisco Bay]
Supervisor Alioto-Pier

Hearing to examine the response of the various agencies involved in the response to the oil spill, including the Coast Guard and the Golden Gate National Recreation Area, and their coordination with City agencies, including the Department of Emergency Management. The hearing will further examine how response decisions were made and communicated to the relevant parties.

The President inquired as to whether or not any member of the public wished to address the Board members.
Laura Phillips, Director of Emergency Services
Ron Dugent, Staff of the Emergency Services
Francisco da Costa
Male speaker
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to Ms. Romo Guy in appreciation for her long service on the Health Commission.

Supervisor Peskin introduced, welcomed and presented an In Memoriam to the family of Linus Black. The Board of Supervisors adjourned its meeting of January 29, 2008 in his memory.

SPECIAL ORDER 4:00 P.M.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Continued to February 26, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 26, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 26, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to February 26, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

080093 **[Zoning - Extending the interim moratorium on institutional uses in the Western SoMa]**
Supervisors Peskin, Ammiano, Maxwell, Daly

Urgency Ordinance approving an extension of interim zoning moratorium to prohibit the establishment of new institutional uses in the Western SoMa Planning Area Special Use District for an additional 22 months and 15 days and making required findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Supervisors Ammiano, Maxwell and Daly requested to be added as co-sponsors.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Female speaker; expressed concern with issues relating to the time at which public comment is held and her concern regardng the tiger incident at the Zoo
Dierdre Lane; expressed concern with issues relating to the MTA security officer's contract
Security Officer; expressed concern with issues relating to the MTA security officer's contract
Security Officer; expressed concern with issues relating to the MTA security officer's contract
Richard McGreary; expressed concern with issues relating to the his patent for the design of the Sigmond Stern Grove
John di Donna; expressed concern with issues relating to the violations of human rights

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor McGoldrick was noted present at 4:06 p.m.

080101 **[Western Addition Branch Library grand re-opening]**
Supervisor Mirkarimi

Resolution commemorating the grand re-opening of the Western Addition Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

ADOPTED

080106 **[Commending Steve McAdam]**
Supervisor Peskin

Resolution commending Steve McAdam.

ADOPTED

080107 [Supporting an application for federal funding to evaluate the use of Maglev in San Francisco]
Supervisor Alioto-Pier

Resolution supporting an application for federal funding to evaluate the use of Maglev in San Francisco.

ADOPTED

080112 [National Wear Red Day - February 1, 2008]
Supervisor Peskin

Resolution declaring February 1, 2008 as National Wear Red Day in San Francisco.

ADOPTED

080080 [Final Map - 829 - 831 Folsom Street]
Motion approving Final Map 4477, a 69 Unit Residential Condominium Project, located at 829 – 831 Folsom Street being a subdivision of Lot 091 in Assessors Block No. 3752 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,321; District 6.)

APPROVED

080081 [Final Map - 755 Eddy Street]
Motion approving Final Map 2512, a 12 Unit Residential Condominium Project, located at 755 Eddy Street being a subdivision of Lot 010 in Assessors Block No. 0742 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,310; District 6.)

APPROVED

080082 [Final Map - 2525 California Street]
Motion approving Final Map 4170, a 16 Residential Unit and 3 Commercial Unit Mixed-Use Condominium Project, located at 2525 California Street being a subdivision of Lot 032 in Assessors Block No. 0655 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,351; District 5.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.
The President inquired as to whether any member wished to address the Board members.
There were none.
The President declared the public hearing closed.

071599 [Committee of the Whole - January 29, 2008 regarding the November 7, 2007 Oil Spill]
Supervisor Alioto-Pier

Motion scheduling the Board to sit as a Committee of the Whole to review the City's response to the oil spill, to be held on January 29, 2008.

APPROVED.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

080103 [New Ingleside Branch Library groundbreaking]
Supervisors Elsbernd, Sandoval

Resolution recognizing the groundbreaking ceremony for the new Ingleside Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

Amended by replacing "February 5, 2008' with "February 15, 2008."

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick requested that this matter be severed so that it might be considered separately.

080102 [Opposing the "California Property Owners and Farmland Protection Act"]
Supervisors Sandoval, Peskin, McGoldrick, Mirkarimi, Maxwell, Daly, Dufty, Ammiano

Resolution opposing the “California Property Owners and Farmland Protection Act” as exacerbating the housing crisis in San Francisco, undermining the City’s efforts to rebuild the water delivery system, and restricting the City’s ability to fight global warming and enforce sensible land use policies.

Supervisor McGoldrick requested that his matter be referred to Committee.

REFERRED to the Rules Committee.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080120 **[Settlement of City's Lawsuit Against Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co.]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $1,000,000 to the City from defendants Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co. (City Attorney)

1/18/08, RECEIVED AND ASSIGNED to Rules Committee.

080123 **[Settlement of lawsuit and appropriating a portion of the proceeds]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, against Election Systems and Software, Inc., on November 20, 2007 in San Francisco Superior Court, Case No. CGC 07-469371, entitled City and County of San Francisco, et al. v. Election Systems & Software, Inc, and appropriating $1,130,000.00 of the proceeds to the Department of Elections. (City Attorney)

1/18/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080125 **[Jurisdictional Property Transfer - Portions of Sue Bierman Park at Washington and Clay Streets (Block 0203, Lot 014)]**

Ordinance transferring jurisdiction of reserved portions of Sue Bierman Park located at Washington and Clay Streets (Block 203, Lot 014) from the Department of Public Works to the Recreation and Park Department; and adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code. (Real Estate Department)

1/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080126 **[Planning Code-Amending Article 11 Designation of 545-547 Mission Street]**

Draft ordinance amending the designation of 545-547 Mission Street (Assessor's Block 3721, Lot 082) from Category V (Unrated) to Category III (Contributory) under Planning Code Article 11; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

1/14/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/13/2008.

PROPOSED RESOLUTIONS

080078 **[Airport Concession Lease]**

Resolution approving Amendment No. 3 to the Clear Channel Outdoor, Inc. Lease Agreement for the Airport Advertising Program at San Francisco International Airport Lease No. 00-0408 between Clear Channel Outdoor, Inc. dba Clear Channel Airports and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

1/10/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080079 **[Airport Environmental Review]**

Resolution adopting CEQA Findings Related to the Terminal 2/ Boarding Area D Renovation Project at San Francisco International Airport. (Airport Commission)

1/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080121 **[Lease of Real Property - 1390 Market Street]**

Resolution authorizing the exercise of a five-year option to extend the lease of approximately 25,939 square feet of space at 1390 Market Street for the Department of Public Health. (Real Estate Department)

1/18/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080122 **[Approval of Mental Health Services Act (MHSA) Agreement and authorization to designate the Director of Community Behavioral Health Services (CBHS) to sign said agreement]**

Resolution approving the Mental Health Services Act Contract No. 07-77338-000, incorporating Community Program Planning Funds in FY04-05 and Community Services and Supports Funds for Fiscal Years 05-08, with the Department of Mental Health for $18,922,386 and authorizing the San Francisco Department of Public Health (SFDPH) - CBHS Director to sign said agreement and any and all amendments in the future, including increases to add other components of MHSA. (Public Health Department)

1/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080124 **[Department of Elections amendment to current voting systems contract with Sequoia Voting Systems, Inc.]**

Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Sequoia Voting Systems, Inc., to pay Sequoia $1,130,000 rather than transfer to Sequoia the City's AutoMARK ballot marking devices, in connection with a settlement of litigation by the City against Elections System & Software involving those devices. (Elections Department)

1/18/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:54 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, February 5, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Chu	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll all Supervisor Maxwell was noted absent.

There was a quorum present.

Supervisor Maxwell was noted present at 2:05 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Ammiano, seconded by Supervisor Dufty, moved to approve the January 8, 2008 and January 15, 2008 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

071607 [Trans Fat Free Program Ordinance]
Supervisors Maxwell, Peskin, Ammiano, Alioto-Pier, McGoldrick, Daly

Ordinance amending the San Francisco Health Code by adding Article 37, Sections 3701 through 3711, to: (1) encourage restaurants located in the City and County of San Francisco to discontinue the use of artificial trans fat in food served to customers by creating an incentive program, and (2) provide regulations for the voluntary trans fat free program.

Supervisor Daly requested to be added as a co-sponsor.
FINALLY PASSED

071512 [Juvenile Probation & Camps Funding Program Agreement-Juvenile Probation Department]
Supervisor Dufty

Resolution authorizing the Juvenile Probation Department to participate in the Juvenile Probation & Camps Funding Program used to pay for direct services to children.

ADOPTED

080037 [Grant to support vocational services to mentally ill individuals]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health, Community Behavioral Health Services to accept and expend retroactively a grant from the California Department of Rehabilitation in the total amount of $3,310,497, with a cooperative CBHS match of $895,980, for a budget total of $4,206,477, to provide vocational rehabilitation services to clients through a cooperative contract agreement for the period of July 1, 2007 through June 30, 2010, waiving indirect costs.

ADOPTED

080038 [Funding modification to support HIV vaccine and prevention research]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a subcontract modification from the Public Health Foundation Enterprises, Inc. (PHFE) to support the research of the San Francisco Vaccine and Prevention Unit (SFVPU) in the amount of $325,239; for the period of January 1, 2007 through December 31, 2007.

ADOPTED

080044 [Grant funding for a drug court in the San Francisco Dependency Court]
Supervisor Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant increase in the amount of $287,177, with a local general fund match of $28,718, for a budget total of $315,895, from the California Department of Alcohol and Drug Programs' (DADP) Comprehensive Drug Court Implementation (CDCI) to provide funding for a drug court in the San Francisco Dependency Court; for the period of July 1, 2007 through June 30, 2008.

ADOPTED

080045 [Grant funds to improve and expand substance abuse treatment services]
Supervisor Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to retroactively accept and expend a grant from the California Department of Alcohol and Drug Programs' (DADP) Comprehensive Drug Court Implementation (CDCI) in the total amount of $713,132, with a local general fund match of $142,627, for a budget total of $855,759 to improve and expand substance abuse treatment services for adult felon drug court clients; for the period of January 1, 2007 through December 31, 2008.

ADOPTED

080046 [Accept and Expend CALFED Water Use Efficiency Grant Funds]
Supervisor Chu

Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a CALFED Water Use Efficiency Grant in the amount of $200,000 through the United States Bureau of Reclamation.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

071581 [Changing the official sidewalk width - Townsend Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1576 to change the official sidewalk width on the northerly side of Townsend Street between 6th and 7th Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1 and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

(DPW Order No. 177,191)

FINALLY PASSED

Recommendations of the Public Safety

080049 [Accept and Expend FY 07 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY 2007-2008]

Supervisor Elsbernd

Ordinance authorizing the Department of Emergency Management, on behalf of the City and County San Francisco as the primary grantee for the combined Bay Area Urban Area ("Super UASI" or "SUASI") region and as the fiscal agent for the SUASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative ("UASI") grant in the amount of $27,304,000 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security; amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the extension of eight grant-funded positions at the following Departments: Emergency Management; Police; Fire; Health; and Sheriff; and amending Ordinance No. 175-07 (Annual Salary Ordinance, FY 2007-2008) to reflect the addition of six grant-funded positions at the Department of Emergency Management.

FINALLY PASSED

080050 [Accept-Expend Federal Grant - Mayor's Office of Criminal Justice]

Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to accept and expend a grant in the amount of $139,366 from the California Governor's Office of Emergency Services (OES) Anti-Drug Abuse Enforcement Program (ADA) for the purpose of reducing drug related crime through a coordinated approach.

ADOPTED

080059 [Accept-Expend Federal Grant - Airport Commission]

Supervisor Elsbernd

Resolution authorizing the Airport Commission to enter into an Other Transaction Agreement (OTA) with the Department of Homeland Security/Transportation Security Administration (TSA) to accept and expend federal funds for the installation of in-line explosive detection baggage system improvements in Terminal One of the San Francisco International Airport for an approximate amount of 75% of the project cost, not to exceed $2,300,000.

ADOPTED

Recommendations of the Rules Committee

080002 **[Settlement of Lawsuit - Daniel Worrell]**

Ordinance authorizing settlement of the lawsuit filed by Daniel Worrell against the City and County of San Francisco for $585,000; the lawsuit was filed on August 25, 2006 in San Francisco Superior, Case No. 455-569; entitled Daniel Worrell v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080015 **[Settlement of Lawsuit - Francis Kelly et al.]**

Ordinance authorizing the settlement of a lawsuit filed by Francis Kelly et al., acting for themselves and others similarly situated, against the City and County of San Francisco for $755,000.00 plus accrued interest; the lawsuit was filed on February 25, 2005, in the United States District Court for the Northern District, Case No. C05-1287, entitled Francis Kelly, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080027 **[Appointment - Commission on the Aging Advisory Council]**

Motion appointing Patricia Webb, term ending March 31, 2009, to the Commission on the Aging Advisory Council.

Patricia Webb, succeeding Jim Dorenkott, term expired, seat 10, must be a nominee of District 5 Supervisor, for the unexpired portion of a two-year term ending March 31, 2009.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Government Audit and Oversight Committee

071593 **[Agreement with King Security Services Inc. for Armed and Unarmed Security Guard Services]**
Supervisor Elsbernd

Resolution authorizing a three year agreement, with option to renew for up to an additional two years, with King Security Services, Inc. for an amount not to exceed $17,100,000.

(Supervisor Daly dissented in Committee.)
(Fiscal Impact.)

Continued to February 26, 2008

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee With Recommendation "Do Submit"

071664 **[Charter Amendment - Retired employees convicted of crimes involving moral turpitude in connection with their employment to forfeit any right to pension benefits funded from employer contributions]**
Supervisor Elsbernd

Charter Amendment (First Draft) to amend Sections A8.584-9, A8.586-12, A8.587-9, A8.588-12, A8.597-12 and A8.598-12, and by adding Sections A8.584-13, A8.586-16, A8.587-14, A8.588-16, A8.597-16 and A8.598-16 to reaffirm the voters' intent that members convicted of a crime involving moral turpitude in connection with their duties as an officer or employee of the City and County, the school district, the college district, or the Superior Court of California, County of San Francisco, shall forfeit any right to a retirement benefit funded, in whole or in part, from contributions by the City and County, the school district, or the college district.

Supervisor Sandoval, seconded by Supervisor McGoldrick, to amend by replacing the word "felony" with the word "crime" throughout the legislation. Motion to amend failed by the following vote:
Ayes: 5 - Ammiano, Daly, McGoldrick, Mirkarimi, Sandoval
Noes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Peskin

ORDERED SUBMITTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080051 **[Emergency contract to design and install permanent high voltage electrical distribution system at San Francisco General Hospital]**

Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60, to install a new, permanent high voltage electrical distribution system at San Francisco General Hospital. (Public Works Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080052 **[Airport Lease and Operating Agreement]**

Resolution approving the exercise of the second of five one-year options to extend the term of Smarte Carte, Inc.'s Luggage Cart Lease and Operating Agreement No. 01-0343. (Airport Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080056 **[Approving a modified term in excess of ten years for Consultant Contract ENEN99000032-01 with TRC-Imbsen & Associates, for services related to the Fourth Street Bridge]**

Resolution approving a modified term in excess of ten years for Consultant Contract ENEN99000032-01with TRC-Imbsen for design professional services related to the Fourth Street Bridge Seismic Retrofit and Rehabilitation project, under Charter Section 9.118(b). (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080123 **[Settlement of lawsuit and appropriating a portion of the proceeds]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, against Election Systems and Software, Inc., on November 20, 2007 in San Francisco Superior Court, Case No. CGC 07-469371, entitled City and County of San Francisco, et al. v. Election Systems & Software, Inc, and appropriating $1,130,000.00 of the proceeds to the Department of Elections. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080124 [Department of Elections amendment to current voting systems contract with Sequoia Voting Systems, Inc.]

Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Sequoia Voting Systems, Inc., to pay Sequoia $1,130,000 rather than transfer to Sequoia the City's AutoMARK ballot marking devices, in connection with a settlement of litigation by the City against Elections System & Software involving those devices. (Elections Department)

Continued to February 12, 2008

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

071526 [Public Employment - Entertainment Commission]
Supervisors Dufty, Alioto-Pier, Daly

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of one position (.33 FTE) Class 0923 – Manager II in the Entertainment Commission for the Office of Special Events.

Supervisor Daly requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Elsbernd, Peskin

080092 [De-appropriating $45,612 from Economic and Workforce Development and Appropriating $45,612 for Special Events Promotion in the Entertainment Commission for Fiscal Year 2007-2008]
Supervisors Dufty, Alioto-Pier, Daly

Ordinance de-appropriating $45,612 of Community Based Organization Services from the Department of Economic and Workforce Development, and appropriating $45,612 for one 0923 Manager II position (0.33 FTE) for special events promotion in the Entertainment Commission for Fiscal Year 2007-2008.

Supervisors Alioto-Pier and Daly requested to be added as co-sponsors.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Elsbernd, Peskin

Recommendation of the Public Safety Committee

080058 [Renew Joint Power and Revolving Fund Contract with the State]
Supervisor Elsbernd

Resolution authorizing the Department of the District Attorney to enter into a Joint Power and Revolving Fund Contract with the California Victim Compensation and Government Claims Board to: (1) contract for, accept and expend up to $1,356,678 allocated from the California Victim Compensation and Government Claims Board for the assistance of victims and witnesses of crime for the period of July 1, 2007 through June 30, 2009; and (2) renew its current agreement with the California Victim Compensation and Government Claims Board, an agent of the State of California, for a revolving loan fund in the amount of $75,000 to be used to pay for verified funeral/burial expenses and emergency relocation for victims of domestic violence and sexual assault for an additional two years from July 1, 2007 through June 30, 2009.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Rules Committee

071668 [Reauthorization of Food Security Task Force]
Supervisor Maxwell

Ordinance amending the San Francisco Health Code by amending Sections 470.1 and 470.2, to extend the sunset provisions of the Food Security Task Force to January 31, 2009, and change the organizations from which members must be appointed.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

071471 [Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]
Supervisor Alioto-Pier

Charter Amendment (First Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

Continued to February 12, 2008

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

080010 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 652 Duncan Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007 that a project at 652 Duncan Street (Building Permit Application No. 2005.12.23.0995, Case No. 2006.0665D) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed project is a horizontal addition of two bedrooms and bathroom on a first floor and a dining room on a second floor, a vertical addition of a bedroom and bath, renovation of a kitchen and seismic improvements to a single-family dwelling, located in a RH-1 (Residential House, One-Family) District and a 40-X Height and Bulk District (Assessor's Block 6589, Lot 002J).
(Appellant: Stephen M. Williams)

(Filed December 7, 2007; companion measure to 080011, 080012, 080013; District 8.)

The President inquired as to whether any member of the public wished to address the Board members.
Stephen Williams; Attorney for the appellant
Sheila McElroy; Property historian for the appellant
Ms. McCarney; support of the appellant
Female speaker; support of the appellant
Phyllis Lyon; support of the appellant
Mike Miller; support of the appellant
Theodora Morrow; support of the appellant
Female speaker; support of the appellant
Heather Beal; support of the appellant
Jonathan Walker; support of the appellant
Paula Pagado; support of the appellant
Dan Goddell; support of the appellant
Bill Wycko, Mark Lleullan and Michael Smith Planning Department Representatives reviewed with the Board the Planning Deparement's recommendation.
Arnie Lerner; Property historian for the project sponsor
Brett Gladstone, Attorney for the project sponsor
Chad Hamilton; Architectect for the project sponsor
Eric, Dane and Kristen Hansen; project sponsors
Pastor Boyd; support of the project sponsor
David Gellman; support of the project sponsor
Mena Cavman; support of the project sponsor
Winnie Kelly; support of the project sponsor
Male speaker; support of the project sponsor
Reuben Etchinova; support of the project sponsor
Ron Miguel; support of the project sponsor
Marna Clouder; support of the project sponsor
Sue Kramer; support of the project sponsor
Anthony Trask; support of the project sponsor
Allison Carlson; support of the project sponsor
Tom Gargaosky; support of the project sponsor
Female speaker; support of the project sponsor
Rebuttal:
Stephen Williams, Attorney for the appellant
The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080011 [Affirming the categorical exemption issued for the 652 Duncan Street project]

Motion affirming the determination by the Planning Department that the 652 Duncan Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor McGoldrick, moved to table this item.
Motion to table this matter failed by the following vote:
Ayes: 5 - Ammiano, Daly, Dufty, McGoldrick, Mirkarimi,
Noes: 6 - Alioto-Pier, Chu, Elsbernd, Maxwell, Peskin, Sandoval

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 4 - Daly, Dufty, McGoldrick, Mirkarimi

080012 [Disapproving the categorical exemption issued for the 652 Duncan Street project]

Motion disapproving the determination by the Planning Department that the 652 Duncan Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor McGoldrick, moved to approve this item.
Motion to approve this matter failed by the following vote:
Ayes: 5 - Ammiano, Daly, Dufty, McGoldrick, Mirkarimi,
Noes: 6 - Alioto-Pier, Chu, Elsbernd, Maxwell, Peskin, Sandoval

TABLED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 4 - Daly, Dufty, McGoldrick, Mirkarimi

080013 [Preparation of findings related to the 652 Duncan Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 652 Duncan Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor McGoldrick, moved to approve this item.
Motion to approve this matter failed by the following vote:
Ayes: 5 - Ammiano, Daly, Dufty, McGoldrick, Mirkarimi,
Noes: 6 - Alioto-Pier, Chu, Elsbernd, Maxwell, Peskin, Sandoval

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 4 - Daly, Dufty, McGoldrick, Mirkarimi

COMMITTEE REPORTS

071589 [Charter Amendment - City Elections In Even-Numbered Years]
Supervisor McGoldrick

Charter Amendment (Second Draft) to amend Section 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

Continued to February 12, 2008

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071590 [Charter Amendment - Providing for the election of members of the Municipal Transportation Agency's Board of Directors, their compensation, and their service as members of the Parking Authority Commission]
Supervisor McGoldrick

Charter Amendment (Second Draft) to amend Sections 8A.102, 8A.112, 13.101, 13.101.5, and 15.105 to provide for the election of members of the Municipal Transportation Agency's Board of Directors, setting their compensation, and fixing their status as members of the Parking Authority Commission.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved to re-refer this matter to the Rules Committee.

071591 [Charter Amendment - City policy regarding diversity on City boards and commissions; prohibition on City employees serving as members of Charter boards and commissions]
Supervisor McGoldrick

Charter Amendment (Third Draft) to amend Section 4.101 to (1) make it City policy to consider and as appropriate support the nomination, appointment and confirmation of female, minority, and disabled candidates to fill seats on appointive boards, commissions, or advisory bodies, and (2) prohibit City employees from serving as members of boards and commissions created in the Charter.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to February 12, 2008 with the Board Sitting as a Committee of the Whole.

Supervisor McGoldrick, seconded by Supervisor Ammiano, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071663 [Charter Amendment - New hire qualifications for retiree health care; employer contributions for retiree health care for new hires; improving retirement benefits for City employees hired after January 10, 2009; retiree health care trust fund]

Mayor, Supervisors Elsbernd, Alioto-Pier

Charter Amendment (Second Draft) to add Sections A8.594 and A8.594-1 through A8.594-14 to provide retirement benefits for employees hired on and after January 10, 2009, who have never been members of the Retirement System before that date and to amend Sections A8.509, A8.584, A8.584-1, A8.587, and A8.587-1, to include certain rehired City employees as members of those plans; amend Section A8.428 to increase the years of service required for new employees to qualify for subsidized health benefits at retirement and to adjust the formula for calculating retiree health benefit subsidies for those new employees; amend Section 9.113.5 to pre-fund retiree health benefits for City employees; add Sections 12.204, A8.409-7, A8.432 and A8.590-8 and re-number Section A8.432 as Section A8.433 and amend it to fund retiree health benefits for the City and County of San Francisco and other participating employers.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Continued to February 12, 2008 with the Board Sitting as a Committee of the Whole.
Supervisor Alioto-Pier requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071667 [Charter Amendment - Requiring Board confirmation of appointments to the Public Utilities Commission; setting qualifications for members of the Commission]

Supervisors Maxwell, Dufty, Peskin, Mirkarimi, Ammiano, Elsbernd

Charter Amendment (Second Draft) to amend Section 4.112 to require confirmation by the Board of Supervisors of the Mayor's appointments to the Public Utilities Commission and to set qualifications for members of the Public Utilities Commission.

Continued to February 12, 2008

Supervisor Ammiano, seconded by Supervisor Maxwell, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071567 [Urging the Recreation and Park Commission to enter a grant agreement with a non-profit to enable the organization to develop a long-term funding and operational plan for a community-based youth and teen arts program.]

Supervisor Sandoval

Resolution urging the Recreation and Park Commission to enter a grant agreement with a community non-profit to enable the organization to develop a long-term funding and operational plan for a community-based youth and teen arts program in the Geneva Office Building.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating to the City Commissions
Walter; shared with the Board memorabilia
Ann Garrison; expressed concern with issues relating to public comment and with Blue Angels flying over San Francisco
Richard McGeary; expressed concern with issues relating to global warning
Nancy Gin; expressed concern with issues relating to the Director of the Health Service System leaving his position
Geri Meister; expressed concern with issues relating to the Director of the Health Service System leaving his position
Claire Dunn; expressed concern with issues relating to the Director of the Health Service System leaving his position
Edward Rothman; expressed concern with issues relating to the Director of the Health Service System leaving his position
Male speaker; expressed concern with issues relating to an official misconduct against Supervisor Peskin from the Sunshine Ordinance Task Force
Karen Breslin; expressed concern with issues relating to the Director of the Health Service System leaving his position
Gerald DeRyan; expressed concern with issues relating to the Director of the Health Service System leaving his position
Silvia Johnson; expressed concern with issues relating to the Federal Government

APPROVAL OF REQUESTS TO THE LEGISLATIVE ANALYST

These items may be introduced by any Supervisor seeking analysis from the Office of the Legislative Analyst on introduced legislation and for the purpose of providing assistance to Board of Supervisors' task forces and advisory committees. Requests to the Legislative Analyst shall require the affirmative vote of a majority of the members of the Board.

080149 **[Legislative Analyst Request for Best Zoo Practices]**
Supervisor McGoldrick

Motion requesting the Legislative Analyst to draft a report analyzing the different types of zoos in the world and discuss some of the best practices in terms of animal well being (health, living space, etc), education and species conservation efforts. Also, compare the San Francisco Zoo in terms of the above best practices.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Absent: 1 - Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080171 **[Commending Jean Shelton]**
Supervisor Chu

Resolution proclaiming February 13, 2008 as Jean Shelton Day in San Francisco.

ADOPTED

080172 **[Accept and expend gift in the amount of $15,000]**
Supervisor Chu

Resolution accepting and expending a gift in the amount of $15,000 from Visa America to the Recreation and Park Department to support and expand the Recreation and Park Department's volleyball program and provide scholarships for San Francisco youth to participate.

ADOPTED

080173 **[Accept-Expend Federal Grant - Office of the Chief Medical Examiner]**
Supervisors Elsbernd, Dufty

Resolution authorizing the Office of the Chief Medical Examiner to accept and expend a grant in the amount of $95,000 from the Paul Coverdell Forensic Science Improvement Grants Program of the Department of Justice.

ADOPTED

080174 **[Urging MTA to approve temporary "Street Closure to Vehicular Traffic" on O'Farrell Street between Steiner and Fillmore for Farmers' Market]**
Supervisor Mirkarimi

Resolution urging the Municipal Transportation Authority to enact temporary “Street Closure to Vehicular Traffic” regulations on O’Farrell Street between Steiner Street and Fillmore Street from 7 A.M. to 2 P.M. on every Saturday between April 26, 2008 and November 22, 2008.

ADOPTED

080175 **[Peace Corps Week - February 25 - March 3, 2008]**
Supervisor Peskin

Resolution proclaiming February 25 – March 3, 2008 as Peace Corps Week in San Francisco.

ADOPTED

080177 **[Opposing Propositions 94, 95, 96, and 97]**
Supervisors Peskin, Ammiano, Daly, Mirkarimi, Sandoval, McGoldrick, Maxwell, Dufty

Resolution opposing Propositions 94, 95, 96, and 97 on the February 5th General Election.

ADOPTED

080169 **[Suspension of Rule 6.13 regarding use of Legislative Chamber]**
Supervisor Peskin

Motion suspending Rule 6.13 of the Rules of Order of the Board of Supervisors that limits the use of the Legislative Chamber to governmental purposes in order to permit filming activity by Milk, LLC and Groundswell Productions in the Chamber during a three-day period: February 28, February 29 and March 1, 2008.

APPROVED

080170 **[Access to Board of Supervisors Chamber]**
Supervisor Peskin

Motion directing the Clerk of the Board of Supervisors to negotiate with Milk, LLC and Groundswell Productions for the terms of access and use of the Board of Supervisors Chamber for set up and pre-lighting, filming, and clean-up (collectively "Filming Activity"), directing the Clerk of the Board to consult with the Executive Director of the Film Commission in ensuring that the terms of the Use Agreement between the City and Groundswell Productions are consistent with the City's general practices with respect to filming on City property and that such Use Agreement includes any additional provisions necessary to ensure proper treatment and protection of the Board of Supervisors Chamber, establishing that such filming activity by Groundswell Productions shall not interfere with the business of the Board of Supervisors, and mandating that Groundswell Productions' activity shall be subject to the special guidelines for use of the Board of Supervisors Chamber developed by the Clerk of the Board of Supervisors, in consultation with the City Architect, the Executive Director of the Film Commission and the City Attorney.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

080163 **[Urging the Mayor to Return Transit Funding to the Municipal Transportation Agency]**
Supervisors Peskin, Daly, Ammiano, Mirkarimi, Maxwell, Sandoval

Resolution urging Mayor Gavin Newsom to return to the Municipal Transportation Agency positions and funds that are not directly related to the operations of the Agency.

Amended on page 2, line, 7, by replacing "has violated" with "may violate".

Supervisors Daly, Ammiano, Mirkarimi, Maxwell and Sandoval requested to be added as co-sponsors.

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly requested that this matter be severed so that it might be considered separately.

080176 **[Dr. Philip R. Day, Jr. Day - February 7, 2008]**
Supervisor Peskin

Resolution proclaiming February 7, 2008 to be Dr. Philip R. Day, Jr. Day in San Francisco.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Daly

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080135 **[Settlement of Lawsuit - Mark Chambers]**

Ordinance authorizing settlement of the class action lawsuit filed by Mark Chambers, et al. against the City and County of San Francisco on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA, entitled, Chambers et al. v. City and County of San Francisco. (City Attorney)

1/24/08, RECEIVED AND ASSIGNED to Rules Committee.

080136 [Approving Settlement with the California Independent System Operator and adopting the First Amended and Restated Operating Agreement]

Ordinance authorizing settlement of proceedings initiated by the California Independent System Operator before the Federal Energy Regulatory Commission in Docket No. ER06-227-000 to establish operational, scheduling and settlement requirements for certain City electrical transmission transactions and adopting the First Amended and Restated Operating Agreement. (City Attorney)

1/25/08, RECEIVED AND ASSIGNED to Rules Committee.

080138 [Changing the official sidewalk width - Berry Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1577 to change the official sidewalk width on the northerly side of Berry Street between 7th and DeHaro Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

1/23/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080141 [Waiver of Administrative Code section 6.64 to allow modification of Agreement No. CS-525A in an amount that exceeds one hundred-fifty percent of the original contract amount]

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code section 6.64 to allow the contract amount of Agreement No. CS-525A with Olivia Chen Consultants to exceed one hundred-fifty percent of the original contract amount. (Public Utilities Commission)

1/25/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

080137 [Amending a contract with anticipated expenditures in excess of $10 million]

Resolution approving the Tenth Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, extending the term of the contract by three (3) months to May 31, 2008 and increasing the total compensation to the Contractor by seven hundred fifty thousand dollars ($750,000) to thirteen million six hundred fifteen thousand dollars ($13,615,000), pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

1/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080140 [Airport Professional Services Agreement for Construction Management Services for the Terminal 2/Boarding Area D Project with Anticipated Expenditures in Excess of $10 Million]

Resolution approving the Professional Services Agreement, Airport Contract 8757.9 – Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities between T2 Partners, a Joint Venture of Parsons Transportation Group, EPC Consultants, Inc., and the Allen Group, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed $15,000,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

1/25/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:08 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, February 12, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursdays 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Mondays 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Chu	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll all Supervisors Alioto-Pier and McGoldrick were noted absent.

There was a quorum present.

Supervisors Alioto-Pier and McGoldrick were noted present at 2:03 p.m.

CONSENT AGENDA

Recommendations of the Rules Committee

071668 **[Reauthorization of Food Security Task Force]**
Supervisor Maxwell

Ordinance amending the San Francisco Health Code by amending Sections 470.1 and 470.2, to extend the sunset provisions of the Food Security Task Force to January 31, 2009, and change the organizations from which members must be appointed.

FINALLY PASSED

080054 **[Settlement of Lawsuits and Claims]**

Ordinance authorizing settlement of claims made by Plaintiffs Kurt Bruneman, Tom Feledy, Narda Gillespie, Michael Hughes, Gregory Mar, Donna Meixner, Mark Osuna, Frederick Schiff, Mark Sullivan, Dennis Quinn, Donald Woolard, Michael Zurcher in a multi-party action against the City and County of San Francisco for $1,600,000.00, and City to credit Mark Sullivan with 125.5 compensation time hours; the three lawsuits for the above-mentioned plaintiffs were all filed in the United States District Court, Northern District, Case No. C03-4345 (filed on January 16, 2003 and entitled Frederick Schiff v. City and County of San Francisco, et al.), Case No. C04-2261 (filed on June 8, 2004 and entitled Narda Gillespie, et al. v. City and County of San Francisco, et al.), Case No. C04-2262 (filed on June 8, 2004 and entitled Mark Osuna v. City and County of San Francisco, et al.). (City Attorney)

PASSED, ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080055 [Settlement of Lawsuit - Teresa Yeung]

Ordinance authorizing the settlement of a lawsuit filed by Teresa Yeung, against the City and County of San Francisco for $87,500.00; the lawsuit was filed on July 23, 2007, in San Francisco Superior Court, Case No. 07-465400, entitled Teresa Yeung v. City and County of San Francisco.

PASSED, ON FIRST READING

080120 [Settlement of City's Lawsuit Against Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $1,000,000 to the City from defendants Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co. (City Attorney)

PASSED, ON FIRST READING

080133 [Appointment - In-Home Supportive Services Public Authority]

Motion appointing Luis Calderon, term ending March 1, 2009, to the In-Home Supportive Services Public Authority.

Luis Calderon, succeeding Margaret Coster, term expired, seat 11, must be a consumer between the ages of 18 and 60, authorized to represent organizations that advocate for younger people with disabilities, for the unexpired portion of a three-year term ending March 1, 2009.

APPROVED

080134 [Appointment - Child Care Planning and Advisory Council]

Motion appointing Simon Lee, term ending December 31, 2008, to the Child Care Planning and Advisory Council.

Simon Lee, succeeding Lisa Jaicks, term expired, seat 4, must be a nominee of District 4 Supervisor selected from: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative," for the unexpired portion of a three-year term ending December 31, 2008.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Consent Agenda

Supervisor Daly requested that File Nos. 080123 and 080124 be severed so that it might be considered separately.

080123 **[Settlement of lawsuit and appropriating a portion of the proceeds - Department of Elections]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco, against Election Systems and Software, Inc., on November 20, 2007 in San Francisco Superior Court, Case No. CGC 07-469371, entitled City and County of San Francisco, et al. v. Election Systems & Software, Inc, and appropriating $1,130,000.00 of the proceeds to the Department of Elections. (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

Recommendations of the Budget and Finance Committee

080124 **[Department of Elections amendment to current voting systems contract with Sequoia Voting Systems, Inc.]**

Resolution approving an amendment to the existing contract between the City and County of San Francisco, through its Department of Elections, and Sequoia Voting Systems, Inc., to pay Sequoia $1,130,000 rather than transfer to Sequoia the City's AutoMARK ballot marking devices, in connection with a settlement of litigation by the City against Elections System & Software involving those devices. (Elections Department)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Ammiano, Daly

REGULAR AGENDA

UNFINISHED BUSINESS

From the Budget and Finance Committee Without Recommendation

071526 **[Public Employment - Entertainment Commission]**

Supervisors Dufty, Alioto-Pier, Daly

Ordinance amending Ordinance No. 175-07 (Annual Salary Ordinance FY 2007-2008) to reflect the addition of one position (.33 FTE) Class 0923 – Manager II in the Entertainment Commission for the Office of Special Events.

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Elsbernd, Peskin

080092 **[De-appropriating $45,612 from Economic and Workforce Development and Appropriating $45,612 for Special Events Promotion in the Entertainment Commission for Fiscal Year 2007-2008]**
Supervisors Dufty, Alioto-Pier, Daly

Ordinance de-appropriating $45,612 of Community Based Organization Services from the Department of Economic and Workforce Development, and appropriating $45,612 for one 0923 Manager II position (0.33 FTE) for special events promotion in the Entertainment Commission for Fiscal Year 2007-2008.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Sandoval
Noes: 2 - Elsbernd, Peskin

Recommendation from the Public Safety Committee

071536 **[Access to and retention of community safety camera recordings]**
Supervisors Sandoval, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys and investigators to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys, investigators and the District Attorney to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

Supervisor Sandoval, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

From the Rules Committee With Recommendation "Do Submit"

071667 [Charter Amendment - Requiring Board confirmation of appointments to the Public Utilities Commission; setting qualifications for members of the Commission]
Supervisors Maxwell, Dufty, Peskin, Mirkarimi, Ammiano, Elsbernd

Charter Amendment (Second Draft) to amend Section 4.112 to require confirmation by the Board of Supervisors of the Mayor's appointments to the Public Utilities Commission and to set qualifications for members of the Public Utilities Commission.

ORDERED SUBMITTED by the following vote:
Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Chu

From the Rules Committee Without Recommendation

071471 [Charter Amendment - Minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws]
Supervisor Alioto-Pier

Charter Amendment (First Draft) to add Section 15.104 to create minimum qualifications for members of City bodies that oversee and administer election, campaign finance, lobbying, conflict of interest, open meeting and public records laws.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Daly, Elsbernd
Noes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071589 [Charter Amendment - City Elections In Even-Numbered Years]
Supervisor McGoldrick

Charter Amendment (Second Draft) to amend Section 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

NOT ORDERED SUBMITTED by the following vote:
Ayes: 5 - Daly, Dufty, Maxwell, McGoldrick, Sandoval
Noes: 6 - Alioto-Pier, Ammiano, Chu, Elsbernd, Mirkarimi, Peskin

Board of Supervisors Sitting as a Committee of the Whole

From the Rules Committee Without Recommendation

071591 [Charter Amendment - City policy regarding diversity on City boards and commissions]
Supervisor McGoldrick

Charter Amendment (Fourth Draft) to amend Section 4.101 to make it City policy to consider and as appropriate support the nomination, appointment and confirmation of female, minority, and disabled candidates to fill seats on appointive boards, commissions, or advisory bodies.

The President inquired as to whether any member of the public wished to address the Board members.
Emily Murase, PHD; Executive Director of the Commission on the Status of Women
The President declared the public hearing closed.

ORDERED SUBMITTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

071663 [Charter Amendment - New hire qualifications for retiree health care; improved retirement benefits for miscellaneous employees retiring on or after January 10, 2009]
Mayor, Supervisors Elsbernd, Peskin, Alioto-Pier, Mirkarimi, Chu

Charter Amendment (Third Draft) amending Section A8.428, to increase the years of service required for new employees to qualify for subsidized health benefits at retirement and to adjust the formula for calculating retiree health benefit subsidies for those new employees; adding Sections 12.204, A8.409-7, and A8.590-8, and amending Section A8.432, to fund retiree health benefits for the City and County of San Francisco and other participating employers; adding Sections A8.404-1 and A8.409-8 so that economic provisions, including wages, shall not be increased for miscellaneous City and County employees for the fiscal year commencing July 1, 2009 and ending on June 30, 2010, and recognizing certain ongoing economic expenditures by the City and County in future years; and adding Sections A8.526-2 and A8.526-3, and amending Sections A8.509, A8.587-2 and A8.587-13, to increase retirement benefits for retirees and employees who retire on or after January 10, 2009 to encourage longer employment and retention and improved cost of living benefits for all retirees and employees.

The President inquired as to whether any member of the public wished to address the Board members.
Female speaker; requesting a change in the Charter Amendment for teachers
Sandra Surer; requesting a change in the Charter Amendment for teachers
Tim Paulson, Labor Council; support of the Charter Amendment
The President declared the public hearing closed.
Continued to February 26, 2008

Supervisor Chu requested to be added as a co-sponsor.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080053 **[Airport Concession Lease]**

Resolution approving the Boarding Area "F" Candy Store and Kiosks Lease between Pacific Gateway Concessions, LLC., and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080121 **[Lease of Real Property - 1390 Market Street]**

Resolution authorizing the exercise of a five-year option to extend the lease of approximately 25,939 square feet of space at 1390 Market Street for the Department of Public Health. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

071371 **[Taxicab gate cap; ratifying previous gate fees; gate surcharge for low emission vehicles; taxi fleet greenhouse gas emissions]**

Supervisors Sandoval, Alioto-Pier, Peskin

Ordinance amending the San Francisco Police Code by: amending Section 1135.1, to raise the taxicab gate cap to $96.50 and to ratify gate fees previously charged up to $91.50 per shift for the period from January 1, 2003 to October 27, 2006; by repealing current Section 1135.2, as obsolete; by adding a new Section 1135.2, to authorize a $7.50 surcharge on the gate cap for low emission vehicles; and by adding Section 1135.3, to require taxi companies to reduce average per vehicle greenhouse gas emissions by 20 percent from 1990 levels by 2012.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Alioto-Pier, Chu, Elsbernd, McGoldrick, Peskin, Sandoval
Noes: 5 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi

Recommendation of the Land Use and Economic Development Committee

080138 **[Changing the official sidewalk width - Berry Street]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1577 to change the official sidewalk width on the northerly side of Berry Street between 7th and DeHaro Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

080083 **[Appointment, Entertainment Commission - John Newlin]**

Motion approving the Mayor's nomination for appointment of John Newlin to the Entertainment Commission, for the term ending July 1, 2010. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.Transmittal date - 1/15/08)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080085 **[Appointment, Entertainment Commission - Justin Roja]**

Motion approving the Mayor's nomination for appointment of Justin Roja to the Entertainment Commission, for the term ending July 1, 2011. (Clerk of the Board)

(Section 4.117 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved.Transmittal date – 1/15/08)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Chu Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Chu from voting on File Nos. 080104 and 080105. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080104 **[Appointment, Urban Counties Caucus - Supervisor Carmen Chu]**

Supervisor Peskin

Motion appointing Supervisor Carmen Chu, term ending December 31, 2008 to the Urban Counties Caucus.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

080105 **[Appointment, California State Association of Counties - Supervisor Carmen Chu]**
Supervisor Peskin

Motion appointing Supervisor Carmen Chu, term ending November 28, 2008, as a member to the California State Association of Counties Board of Directors.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Chu

From the Rules Committee Without Recommendation

080115 [Reappointment, Public Utilities Commission - Ryan Brooks]

Motion taking no position concerning the Mayor's reappointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2012.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. (Transmittal date January 15, 2008)

Amended by replacing the language "taking no position concerning the Mayor's reappointment" with the language "rejecting the Mayor's reappointment".

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Motion rejecting the Mayor's reappointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2012.

APPROVED AS AMENDED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

080119 [Reappointment, Public Utilities Commission - Richard Sklar]

Motion taking no position concerning the Mayor's reappointment of Richard Sklar to the Public Utilities Commission, for the term ending January 15, 2012.

Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the reappointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of reappointment, and that failure of the Board to reject the reappointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed. (Transmittal date January 15, 2008)

Amended by replacing the language "taking no position concerning the Mayor's reappointment" with the language "rejecting the Mayor's reappointment".

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Motion rejecting the Mayor's reappointment of Richard Sklar to the Public Utilities Commission, for the term ending January 15, 2012.

(NOTE: This matter requires 8 votes for approval.)

NOT APPROVED AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Daly, Elsbernd

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Chu, seconded by Supervisor Mirkarimi, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to a member of the Grand Jury in recognition of "Grand Jury Awareness Month".

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to Jean Shelton in recognition of her 80th Birthday and her outstanding service as an educator.

SPECIAL ORDER 4:00 P.M.

080127 **[Public Hearing - Conditional Use Appeal for 3571 Sacramento Street Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission by its Motion No. 17524 dated December 20, 2007, relating to the approval of a Conditional Use Authorization (Case No. 2007.0971CE), under the Planning Code Sections 303 and 724.52 to establish a foreign language enrichment program for children, in the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District on property located at 3571 Sacramento Street, Lot 023 in Assessor's Block 1019. (Appellants: Janis M. Platt and John C. Adams.)

(Filed January 22, 2008; companion measure to Files 080128, 080129, 080130; District 2.)

The President inquired as to whether any member of public wished to address the Board members.
Stephen Williams, Attorney for the appellant
Christopher Banos; support of the appellant
Male speaker building contractor; support of the appellant
Sarah Lowrey; support of the appellant
Heather Dowling; support of the appellant
Ann Bridgewall; support of the appellant
John Adams, read a letter from Mark Woods; support of the appellant
Steve Crolick; support of appellant
Janice Platt; appellant
Male speaker; support of the appellant
Monty Stodham; support of the appellant
Josephine Sambotto; support of the appellant
Male speaker; support of the appellant

An Marie Rodgers and Mary Woods representatives of the Planning Department reviewed with Board members the Planning Commission's recommendation.

Representative from "Language at Play"; Project Sponsor
Marsha Herman, property owner; support of the project sponsor
Howard Herman, property owner; support of the project sponsor
Valerie Pinker; support of the project sponsor
Heather Ainsworth, "Language of Play"; project sponsor

Rebuttal Period:
Stephen Williams; Attorney for the project sponsor

President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the conditional use application decision described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080128 **[Approving Planning Commission decision related to Conditional Use Appeal for 3571 Sacramento Street]**

Motion approving decision of the Planning Commission by its Motion No. 17524, approving Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080129 **[Disapproving Planning Commission decision related to Conditional Use Appeal for 3571 Sacramento Street]**

Motion disapproving decision of the Planning Commission by its Motion No. 17524, approving Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, and adopting findings pursuant to Planning Code Section 101.1.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080130 **[Preparation of findings related to the Conditional Use Appeal for 3571 Sacramento Street]**

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2007.0971CE on a property located at 3571 Sacramento Street, for action by the Board at its next meeting.

Supervisor Alioto-Pier, seconded by Supervisor Sandoval, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

Supervisors Dufty and McGoldrick were noted absent at 3:57 p.m.
Supervisor Dufty was noted present at 3:59 p.m.
Supervisor McGoldrick was noted present at 4:01 p.m.
Supervisor Alioto-Pier was noted absent at 4:04 p.m.
Supervisor Alioto-Pier was noted present at 4:10 p.m.

080135 **[Settlement of Lawsuit - Mark Chambers]**

Ordinance authorizing settlement of the class action lawsuit filed by Mark Chambers, et al. against the City and County of San Francisco on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA, entitled, Chambers et al. v. City and County of San Francisco. (City Attorney)

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Mirkarimi
Absent: 1 - Alioto-Pier

080064 **[Confirming the appointment of Malcolm Heinicke to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]**

Mayor

Motion confirming the appointment of Malcolm Heinicke to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

APPROVED by the following vote:

Ayes: 6 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Sandoval
Noes: 3 - Daly, Mirkarimi, Peskin
Absent: 2 - Dufty, McGoldrick

080065 **[Confirming the appointment of Jerry Lee to the Municipal Transportation Agency Board of Directors, term ending March 1, 2011]**

Mayor

Motion confirming the appointment of Jerry Lee to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2011.

APPROVED by the following vote:

Ayes: 9 - Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Absent: 1 - Alioto-Pier

080066 **[Confirming the appointment of Bruce Oka to the Municipal Transportation Agency Board of Directors, term ending March 1, 2008]**

Mayor

Motion confirming the appointment of Bruce Oka to the Board of Directors of the Municipal Transportation Agency, term ending March 1, 2008.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the Iraq war
A. Jacobs Chavez; expressed concern with issues relating to housing
James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared with the Board various memorabilia
John Phillips; expressed concern with issues relating to DEA against property owners
Reverend Randelett Webster; expressed concern with issues relating to DEA against property owners
Gilbert; expressed concern with issues relating to DEA against property owners
Liam Wood Smith; support of Safe Access
Steve; showed interest with commercializing Coit Tower

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisors McGoldrick and Sandoval were noted absent at 6:09 p.m.

080197 **[Supporting Assemblyman Mark Leno's efforts to establish a State Holiday on Harvey Milk's Birthday]**
Supervisors Ammiano, Dufty

Resolution supporting Assemblyman Leno's efforts to establish a non-fiscal State Holiday on Harvey Milk's Birthday, May 22.

Supervisor Dufty requested to be added as a co-sponsor.
ADOPTED

080199 **[Accept-Expend Grant - Public Defender]**
Supervisor Mirkarimi

Resolution authorizing the Office of the Public Defender to accept and expend a grant in the amount of $25,000 from The San Francisco Foundation for a senior clerk position and consulting services to support the implementation of the Safe Communities Reentry Council's strategic plan.

ADOPTED

080200 [Requesting traffic calming and pedestrian and bicyclist safety improvements on Masonic Avenue from Geary Avenue to Haight Street]
Supervisors Mirkarimi, McGoldrick, Dufty

Resolution requesting the Municipal Transportation Agency to work with other city agencies to develop a timeline and funding plan for a comprehensive planning process on Masonic Avenue from Geary Boulevard to Haight Street including traffic calming and pedestrian and bicycle safety improvements.

ADOPTED

080201 [Extending Deadline for the Annual Report on Community Safety Cameras]
Supervisor Mirkarimi

Resolution approving an extension on the deadline for the annual report to the Board of Supervisors on all community safety cameras located in the City and County of San Francisco from January 17, 2008 to March 20, 2008, one year from the date of installation of the cameras.

ADOPTED

080203 [Issuance and Sale of Revenue Bonds - Aspen South Hills]
Supervisor Peskin

Resolution approving the issuance and sale of tax-exempt bonds by the Association of Bay Area Governments in an aggregate principal amount not to exceed $4,500,000 for financing the acquisition and rehabilitation of Aspen South Hills, subject to the policies for such approvals adopted by the Board of Supervisors in Ordinance No. 36-07.

ADOPTED

080204 [Grand Jury Awareness Month]
Supervisors Peskin, Dufty

Resolution declaring February 2008 as Civil Grand Jury Awareness month in San Francisco.

Supervisor Dufty requested to be added as a co-sponsor.
ADOPTED

080205 [Accept and expend gift in the amount of $25,000 - Recreation and Park Department]
Supervisor Dufty

Resolution accepting and expending a gift-in-place, valued at up to $25,000 from the United States Tennis Association to the Recreation and Park Department to initiate funding for the planning for the renovation of the Golden Gate Park Tennis Center in Golden Gate Park.

ADOPTED

080206 [Gift to the Recreation and Park Department - $16,000]
Supervisor Dufty

Resolution accepting and expending a gift of $16,000 from the Friends of Noe Courts via the Parks Trust to the Recreation and Park Department for the play area at Noe Valley Tennis Courts.

ADOPTED

080168 **[Final Map - 3189 21st Street]**

Motion approving Final Map 4225, a 3 Unit Residential and 2 Unit Commercial Mixed-Use Condominium Project, located at 3189 21st Street being a subdivision of Lot 071 in Assessors Block No. 3615 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

Severed From the Without Reference to Committee Agenda

Supervisor Elsbernd requested to sever this matter so that it might be considered separately.

080198 **[Condemning Drug Enforcement Agency Actions Against Property Owners Leasing Space to Medical Cannabis Dispensaries]**

Supervisors Daly, McGoldrick, Mirkarimi, Ammiano, Peskin

Resolution reaffirming that the City and County of San Francisco is a sanctuary for medical cannabis, an integral component of which are property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries ("MCD"s) that provide needed services to qualified medical cannabis patients and their caregivers, and that the City vehemently condemns the Drug Enforcement Agency (DEA) for issuing sensational letters to these property owners threatening asset forfeiture and imprisonment.

Continued to February 26, 2008

Supervisors Ammiano and Peskin requested to be added as co-sponsors.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

Supervisor Elsbernd requested to sever this matter so that it might be considered separately.

080202 **[Policy regarding bay infill at San Francisco International Airport]**

Supervisors Peskin, Maxwell

Resolution establishing policy on bay infill for runway expansion at San Francisco International Airport.

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - McGoldrick, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080210 **[Stipulation of Conditional Use authorization or Mandatory Discretionary Review of any permit application to remove dwelling units, where the Planning Code does not already require Conditional Use authorization]**

Ordinance amending the Planning Code by adding Section 317 to stipulate Conditional Use or Mandatory Discretionary Review of any Building Permit applications that would eliminate existing dwelling units through mergers, conversions, or demolitions of residential units, and requiring certain affordability and soundness findings, with certain administrative exceptions allowed; making findings as to the need to preserve affordable housing in San Francisco, environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

1/7/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 2/6/2008.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:28 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

*City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689*

MEETING MINUTES - DRAFT

VOTES

Tuesday, February 26, 2008 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

***AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL***

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors Peskin, Ammiano, Dufty	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Maxwell, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors McGoldrick, Alioto-Pier, Chu	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Elsbernd, Alioto-Pier, Daly	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, McGoldrick	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Chu	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Ammiano, Elsbernd, Peskin	Thursday 10:00 AM

DOCUMENTS DEPT.

FEB 29 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisor Dufty was noted absent.

There was a quorum present.

Supervisor Dufty was excused from attending today's meeting.

Supervisor Dufty Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Dufty from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve January 29, 2008 and February 5, 2008 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

080158 [Apply for Grants from a State Agency - Department of the Environment]
Supervisor Alioto-Pier

Resolution authorizing the Department of the Environment to apply for a grant of up to $200,000 from the California Energy Commission for the purpose of studying the feasibility of the use of Geothermal Heat Pumps as a source of renewable energy for the City of San Francisco.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisor Dufty was noted absent.

There was a quorum present.

Supervisor Dufty was excused from attending today's meeting.

Supervisor Dufty Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Dufty from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve January 29, 2008 and February 5, 2008 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

080158 **[Apply for Grants from a State Agency - Department of the Environment]**
Supervisor Alioto-Pier

Resolution authorizing the Department of the Environment to apply for a grant of up to $200,000 from the California Energy Commission for the purpose of studying the feasibility of the use of Geothermal Heat Pumps as a source of renewable energy for the City of San Francisco.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

080138 [Changing the official sidewalk width - Berry Street]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1577 to change the official sidewalk width on the northerly side of Berry Street between 7th and DeHaro Streets; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width change. (Public Works Department)

FINALLY PASSED

Recommendations of the Rules Committee

080054 [Settlement of Lawsuits and Claims]

Ordinance authorizing settlement of claims made by Plaintiffs Kurt Bruneman, Tom Feledy, Narda Gillespie, Michael Hughes, Gregory Mar, Donna Meixner, Mark Osuna, Frederick Schiff, Mark Sullivan, Dennis Quinn, Donald Woolard, Michael Zurcher in a multi-party action against the City and County of San Francisco for $1,600,000.00, and City to credit Mark Sullivan with 125.5 compensation time hours; the three lawsuits for the above-mentioned plaintiffs were all filed in the United States District Court, Northern District, Case No. C03-4345 (filed on January 16, 2003 and entitled Frederick Schiff v. City and County of San Francisco, et al.), Case No. C04-2261 (filed on June 8, 2004 and entitled Narda Gillespie, et al. v. City and County of San Francisco, et al.), Case No. C04-2262 (filed on June 8, 2004 and entitled Mark Osuna v. City and County of San Francisco, et al.). (City Attorney)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080055 [Settlement of Lawsuit - Teresa Yeung]

Ordinance authorizing the settlement of a lawsuit filed by Teresa Yeung, against the City and County of San Francisco for $87,500.00; the lawsuit was filed on July 23, 2007, in San Francisco Superior Court, Case No. 07-465400, entitled Teresa Yeung v. City and County of San Francisco.

FINALLY PASSED

080120 [Settlement of City's Lawsuit Against Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co.]

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Sempra Energy and other companies; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $1,000,000 to the City from defendants Sempra Energy, Sempra Energy Trading Corp., Southern California Gas Co. and San Diego Gas and Electric Co. (City Attorney)

FINALLY PASSED

080136 [Approving Settlement with the California Independent System Operator and adopting the First Amended and Restated Operating Agreement]

Ordinance authorizing settlement of proceedings initiated by the California Independent System Operator before the Federal Energy Regulatory Commission in Docket No. ER06-227-000 to establish operational, scheduling and settlement requirements for certain City electrical transmission transactions and adopting the First Amended and Restated Operating Agreement. (City Attorney)

PASSED, ON FIRST READING

080183 **[Appointment - Biodiesel Access Task Force]**

Motion appointing Eric Smith, Kevin Clark, Michele Swiggers and Joe Burgard, terms ending December 31, 2009, to the Biodiesel Access Task Force.

Eric Smith, succeeding Melissa Hardy, term expired, seat 3, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.
Kevin Clark, succeeding Karri Ving, resigned, seat 5, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.
Michele Swiggers, new appointment, seat 6, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.
Joe Burgard, new appointment, seat 7, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer, for a term ending December 31, 2009.

APPROVED

080184 **[Appointment - In-Home Supportive Services Public Authority]**

Motion appointing Tatiana Kostanian, term ending March 1, 2010, to the In-Home Supportive Services Public Authority.

Tatiana Kostanian, succeeding Elizabeth Grigsby, resigned, seat 9, must be a member of the Mayor's Disability Council, recommended to the Board by the Council, for the unexpired portion of a three-year term ending March 1, 2010.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

080217 **[Adopting findings related to affirming the categorical exemption issued for 652 Duncan Street]**

Motion adopting findings related to affirming the determination by the Planning Department that the 652 Duncan Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080254 **[Adopting findings related to the conditional use appeal on property located at 3571 Sacramento Street]**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2007.0971CE (which authorized the establishment of a foreign language enrichment program for children) in the Sacramento Street Neighborhood Commercial District and a 40-X Height and Bulk District, pursuant to Planning Code Sections 303 and 724.52, on property located at 3571 Sacramento Street (Lot 023 in Assessor's Block 1019).

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Recommendations of the Government Audit and Oversight Committee

071593 **[Agreement with King Security Services Inc. for Armed and Unarmed Security Guard Services]**
Supervisor Elsbernd

Resolution authorizing a three year agreement, with option to renew for up to an additional two years, with King Security Services, Inc. for an amount not to exceed $17,100,000.

(Supervisor Daly dissented in Committee.)
(Fiscal Impact.)

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071371 **[Taxicab gate cap; ratifying previous gate fees; gate surcharge for low emission vehicles; taxi fleet greenhouse gas emissions]**
Supervisors Sandoval, Alioto-Pier, Peskin

Ordinance amending the San Francisco Police Code by: amending Section 1135.1, to raise the taxicab gate cap to $96.50 and to ratify gate fees previously charged up to $91.50 per shift for the period from January 1, 2003 to October 27, 2006; by repealing current Section 1135.2, as obsolete; by adding a new Section 1135.2, to authorize a $7.50 surcharge on the gate cap for low emission vehicles; and by adding Section 1135.3, to require taxi companies to reduce average per vehicle greenhouse gas emissions by 20 percent from 1990 levels by 2012.

FINALLY PASSED by the following vote:

Ayes: 7 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Mirkarimi
Excused: 1 - Dufty

Recommendation of the Rules Committee

080135 **[Settlement of Lawsuit - Mark Chambers]**

Ordinance authorizing settlement of the class action lawsuit filed by Mark Chambers, et al. against the City and County of San Francisco on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA, entitled, Chambers et al. v. City and County of San Francisco. (City Attorney)

Continued to March 11, 2008 to be heard in Closed Session.

Supervisor Elsbernd, seconded by Supervisor Daly, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

From the Rules Committee Without Recommendation

071663 **[Charter Amendment - New hire qualifications for retiree health care; improved retirement benefits for miscellaneous employees retiring on or after January 10, 2009]**

Mayor, Supervisors Elsbernd, Peskin, Alioto-Pier, Mirkarimi, Chu

Charter Amendment (Third Draft) amending Section A8.428, to increase the years of service required for new employees to qualify for subsidized health benefits at retirement and to adjust the formula for calculating retiree health benefit subsidies for those new employees; adding Sections 12.204, A8.409-7, and A8.590-8, and amending Section A8.432, to fund retiree health benefits for the City and County of San Francisco and other participating employers; adding Sections A8.404-1 and A8.409-8 so that economic provisions, including wages, shall not be increased for miscellaneous City and County employees for the fiscal year commencing July 1, 2009 and ending on June 30, 2010, and recognizing certain ongoing economic expenditures by the City and County in future years; and adding Sections A8.526-2 and A8.526-3, and amending Sections A8.509, A8.587-2 and A8.587-13, to increase retirement benefits for retirees and employees who retire on or after January 10, 2009 to encourage longer employment and retention and improved cost of living benefits for all retirees and employees.

ORDERED SUBMITTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Board of Supervisors Sitting as a Committee of the Whole

071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys, investigators and the District Attorney to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

The President inquired as to whether any member of the public wished to address the Board members.
Jeff Adachi, Public Defender
Vicki Hennessy, Interim Director, Department of Emergency Management
Representative, Department of Telecommunications and Informational Systems
The President declared the public hearing closed.

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Dufty

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved to rescind the previous vote and amend the legislation.
Motion to rescind the previous vote passed without objection.

Amended on page 3, line 1, by removing the language "of the initial request".

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd
Absent: 1 - Alioto-Pier
Excused: 1 - Dufty

NEW BUSINESS

Recommendations of the Budget and Finance Committee

071671 [De-appropriating $50,000 Golden Gate Park Stables General Fund project and Re-appropriating $50,000 for Golf Course Recreational Study at Recreation and Park for Fiscal Year 2007-2008]
Supervisor McGoldrick

Ordinance de-appropriating $50,000 of General Fund from the Golden Gate Park Stables Project and re-appropriating $50,000 of General Fund for a Recreational Opportunity Study at San Francisco Golf Courses in the Department of Recreation and Park for Fiscal Year 2007-2008.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080098 **[Appropriating $55,000,000 of Commercial Paper revenue for Terminal Improvements T2 Boarding Area D renovations at the San Francisco Airport for Fiscal Year 2007-2008]**
Mayor

Ordinance appropriating $55,000,000 of commercial paper revenues for Renovations to the terminal two boarding area D at the San Francisco Airport for Fiscal Year 2007-2008. (Mayor)

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080079 **[Airport Environmental Review]**
Resolution adopting CEQA Findings Related to the Terminal 2/ Boarding Area D Renovation Project at San Francisco International Airport. (Airport Commission)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Appointment of President Pro Tempore

At the request of the President, Supervisor Ammiano assumed the Chair so the President could participate in the debate from the floor concerning the following item.

080188 **[Hiring of Recreation Directors]**
Supervisors Ammiano, Dufty, Peskin, Daly

Resolution urging the Mayor to reinstate hiring of all vacant Recreation Director positions.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd
Excused: 1 - Dufty

080122 **[Approval of Mental Health Services Act (MHSA) Agreement and authorization to designate the Director of Community Behavioral Health Services (CBHS) to sign said agreement]**
Resolution retroactively approving the Mental Health Services Act Contract No. 07-77338-000, incorporating Community Program Planning Funds in FY04-05 and Community Services and Supports Funds for Fiscal Years 05-08, with the Department of Mental Health for $18,922,386 and authorizing the San Francisco Department of Public Health (SFDPH) - CBHS Director to sign said agreement and any and all amendments in the future, including increases to add other components of MHSA. (Public Health Department)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080137 **[Amending a contract with anticipated expenditures in excess of $10 million]**

Resolution approving the Tenth Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, extending the term of the contract by three (3) months to May 31, 2008 and increasing the total compensation to the Contractor by seven hundred fifty thousand dollars ($750,000) to thirteen million six hundred fifteen thousand dollars ($13,615,000), pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080166 **[Authorizing the execution and delivery of certificates of participation to finance the acquisition, demolition, improvement, installation, equipping, rehabilitation, construction and/or reconstruction of an office building located at 525 Golden Gate Ave]**

Mayor

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, demolition, improvement, installation, equipping, rehabilitation, construction and/or reconstruction of an office building and related property located at 525 Golden Gate Avenue; approving the form of a trust agreement between the City and County of San Francisco (the "City") and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the form of a property lease between the City and a trustee relating to 525 Golden Gate Avenue; approving the form of a project lease between the City and a trustee (including certain indemnities contained therein); approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; adopting environmental findings under the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and Administrative Code Chapter 31 and findings pursuant to the City Planning Code Section 101.1; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080167 **[Approval of Amendment No. 4 to architectural design agreement for the new Public Utilities Commission administration building located at 525 Golden Gate Avenue, San Francisco]**

Mayor

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute Amendment No. 4 to architectural design agreement for the new San Francisco Public Utilities Commission administration building project located at 525 Golden Gate Avenue to increase the contract value by $7,090,000 to bring the total contract value to $11,550,000, and extend the contract duration by 26 months for a total duration of 44 months.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080151 [Accept-Expend Regional Grant - Airport Commission]
Supervisor Chu

Resolution authorizing the Airport Commission to accept and expend two (2) grants totaling $298,000 from the Bay Area Air Quality Management District (Air District) for acquisition of clean air vehicles by Airport transportation operators.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Recommendations of the City Operations and Neighborhood Services Committee

080017 [Liquor License - 837 Divisadero Street]

Resolution determining that the issuance of a Type 48 on-sale general public premises liquor license to Eric Whitaker for Mini Bar SF LLC, located at 837 Divisadero Street (District 5), will serve the convenience of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080047 [Continuum of Care: Five-Year Strategic Plan of the San Francisco Local Homeless Coordinating Board 2008-2013]
Supervisors Daly, Ammiano, Mirkarimi

Resolution declaring the policy that the Five-Year Strategic Plan of the San Francisco Local Homeless Board titled "Toward Ending Homelessness in San Francisco: A Five Year Strategic Plan of the San Francisco Local Homeless Coordinating Board" is the City and County of San Francisco's official homeless policy document and governs the development of an integrated, effective and coordinated system of housing, health care, employment and support services to end homelessness.

Amended by replacing "2007-2012" with "2008-2013" throughout the legislation.

Supervisors Ammiano and Mirkarimi requested to be added as co-sponsors.

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Dufty

From the Land Use and Economic Development Committee Without Recommendation

080091 **[Treasure Island Affordable Housing]**

Resolution encouraging the Treasure Island Development Authority and Mayor's Office of Housing to explore how to increase the percentage of affordable housing to include 50% affordable housing in the Disposition and Development Agreement for the Former Naval Station Treasure Island.

Continued to June 10, 2008

Supervisor Daly, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Recommendations of the Rules Committee

071299 **[Updating a statutory reference in provision regarding settlement of minors' claims]**
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 10.22-1, to update a statutory reference in a Code provision regarding the settlement of claims made against the City by minors.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080195 **[Extending the Joint City and School District Committee for one year]**
Supervisors Peskin, Dufty, Ammiano

Motion amending Rule 5.7 of the Board of Supervisors' Rules of Order to extend the term of the Joint City and School District Select Committee for one year.

Supervisor Ammiano requested to be added as co-sponsor.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080207 **[Appointment, Municipal Transportation Agency Board - Bruce Oka]**
Mayor

Motion confirming the appointment of Bruce Oka to the Municipal Transportation Agency Board of Directors, term ending March 1, 2012.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080208 **[Appointment, Municipal Transportation Agency Board - Malcolm Heinicke]**
Mayor, Supervisor Dufty

Motion confirming the appointment of Malcolm Heinicke to the Municipal Transportation Agency Board of Directors, term ending March 1, 2012.

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Sandoval
Noes: 3 - Daly, Mirkarimi, Peskin
Excused: 1 - Dufty

080215 **[Appointment - Board of Appeals, Tanya Peterson]**

Motion approving the Mayor's appointment of Tanya Peterson to the Board of Appeals for the term ending July 1, 2008.

(Section 4.106 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - February 1, 2008).

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Supervisor Elsbernd Excused From Voting

Supervisor Chu, seconded by Supervisor McGoldrick, moved to excuse Supervisor Elsbernd from voting on this matter. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Dufty, Elsbernd

080165 **[Appointment- Peninsula Corridor Joint Powers Board]**

Supervisor Peskin

Motion appointing Supervisor Sean R. Elsbernd to the Peninsula Corridor Joint Powers Board.

(Supervisor Elsbernd was excused from voting in Committee).

APPROVED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Dufty, Elsbernd

From the Rules Committee Without Recommendation

Supervisor Alioto-Pier was noted absent at 4:23 p.m.

071679 **[Solar Energy Incentive Program]**

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. (Assessor-Recorder)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Peskin, Sandoval
Noes: 3 - Daly, McGoldrick, Mirkarimi
Excused: 1 - Dufty

Board of Supervisors Sitting as a Committee of the Whole

080256 [Public Hearing - Certification of Appropriateness for alterations to the Board of Supervisors' Legislative Chamber]

Hearing on the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

The President inquired as to whether any member of the public wished to address the Board members.
Sophie Middlebrook; Planning Department Representative
Susan Misner, Mayor's Office of Disability
Don L. Whitney; expressed concern with issues relating to the cost associated with making the Chamber ADA compliant
Male speaker; expressed concern with issues relating to the cost associated with making the Chamber ADA compliant
Don Martinelli; support of the legislation but expressed concern with issues relating to the cost to make Chamber ADA compliant
Richard McRee; expressed concern with issues relating to the cost associated to make the Chamber ADA compliant
Francisco di Costa; expressed concern with issues relating to the ADA standards
The President declared the public hearing closed.

HEARD AT PUBLIC HEARING.

(Only one of the following two motions should be approved.)

080257 [Approving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Continued to March 4, 2008

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080258 [Disapproving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Continued to March 4, 2008

Supervisor Alioto-Pier, seconded by Supervisor Ammiano, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

It was decided to to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests.

Supervisor Mirkarimi introduced, welcomed and presented Certificate of Honors to Leola King, Carl Williams and Representatives of the Martin Luther King and Marcus Garvey Housing Cooperative Board in recognition March Black History Month.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to representatives of the Peace Corps.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honor to representatives Bay Area Red Cross in recognition of the Month of March as Red Cross Month.

SPECIAL ORDER 4:00 P.M.

071265 **[Public Hearing - Appeal of Categorical Exemption from Environmental Review for 2721 Pierce Street]**
Hearing of persons interested in or objecting to the decision of the Planning Department dated April 19, 2007, Case No. 2006.1415D, (Building Permit Application No. 2006.07.03.5586) is exempt from environmental review under Categorical Exemption, [State CEQA Guidelines, Section 15301 Class 1]. The proposal consists of adding two windows on the facade, removing a rear sun porch and adding a two-story rear addition at 2721 Pierce Street, Lot 006 in Assessor's Block 0560. (Appellants: Susan Brandt-Hawley on behalf of Judge Carlos Bea and Louise Bea)

(Filed August 31, 2007; Companion Files to 071266, 071267, 071268; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Cornelia Griffith, Architect provided documentation that the building permit had been withdrawn.
Billl Wycko, Planning Department indicated that the Planning Department would withdraw the Categorical Exemption.
(File Nos. 071266, 071267 and 071268 will be tabled.)
The President declared the public hearing closed.

TABLED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

071266 [Affirming the Categorical Exemption issued for 2721 Pierce Street]

Motion affirming the determination by the Planning Department that the 2721 Pierce Street Project is categorically exempt from environmental review under the California Environmental Quality Act.

TABLED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071267 [Disapproving the Categorical Exemption issued for 2721 Pierce Street]

Motion disapproving the determination by the Planning Department that the 2721 Pierce Street project is categorically exempt from environmental review under the California Environmental Quality Act.

TABLED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071268 [Preparation of findings related to the 2721 Pierce Street Project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2721 Pierce Street is exempt from environmental review under the California Environmental Quality Act.

TABLED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

SPECIAL ORDER 4:00 P.M.

070910 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to March 11, 2008

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 11, 2008

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 11, 2008

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 11, 2008

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

COMMITTEE REPORTS

080062 **[Regulating the permitted locations of new liquor stores and their conditions of operation]**
Supervisors Sandoval, Alioto-Pier

Motion ordering submitted to the voters an Ordinance authorizing amendment of the Planning Code by adding Section 226.5 to impose a distance requirement of 500 feet or more between new off-sale liquor stores and existing liquor stores, schools, public libraries and recreation centers and establishing conditions for operation of liquor stores at an election to be held on June 3, 2008.

(Economic Impact)

Supervisor Alioto-Pier requested to remove her name as a co-sponsor.
Supervisor Daly requested to be added as a co-sponsor.

Supervisor Sandoval, seconded by Supervisor Elsbernd, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Dufty

Ordinance authorizing amendment of the Planning Code by adding Section 226.5 to impose a distance requirement of 500 feet or more between new off-sale liquor stores and existing liquor stores, schools, public libraries and recreation centers and establishing conditions for operation of liquor stores.

This matter was amended and referred to the Land Use & Economic Development Committee.
The new legislation will be referred to City Planning.

REFERRED to the Land Use and Economic Development Committee by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Dufty

080190 [Approval of Amendment to Security Guard Services Contract]
Supervisor Elsbernd

Resolution approving Amendment to Armed and Unarmed Security Services Contract for Municipal Railway Revenue and Cost Accounting Divisions.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080189 [Landmark Designation of 451 Jersey Street (Carnegie Noe Valley/Sally Brunn Branch Library)]
Supervisor Dufty

Ordinance designating 451 Jersey Street, the Carnegie Noe Valley/Sally Brunn Branch Library, (Assessor's Block Number 6539, Lot Number 034), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdulla Megaheed; expressed concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Richard Stypmann; expressed concern with issues relating to SF Police violence
Dave Cohen: expressed concern with issues relating to the closure of patient's cooperative closures
Walter; expressed, in song, to the Board members general issues
John Di Donna; expressed concern with issues relating to violence against the youth
Reverend Webster; expressed concern with issues relating to the Community Centers
Terrie Frye; support of Item 52 (File No. 080198)
Liam Wood-Smith; support of Item 52 (File No. 080198)
Male speaker; support of Item 52 (File No. 080198)
Gilbert; support of Item 52 (File No. 080198)
Female speaker; expressed concern with issues relating to he Mayor's Housing and condominium conversions
Robert Magee; expressed concern with issues relating to he Mayor's Housing and condominium conversions
Ben Kuchiak; speaker; expressed concern with issues relating to he Mayor's Housing relating to the Gold Mine homeowners
Male speaker; expressed concern with issues relating to the Mayor's Housing relating to the Gold Mine homeowners
Marsh Wade; expressed concern with issues relating to he Mayor's Housing relating to the Gold Mine homeowners
Ms. Madulian; expressed concern with issues relating to the Mayor's Housing and condominium conversions
Richard McRee; expressed concern with issues relating to the his patent for the Sigmund Stern Grove
Female speaker, medical marijuana patient; support of Item 52 (File No. 080198)
Female speaker; expressed concern with issues relating to allowing the Blue Angels flying over San Francisco
Ann Garrison; expressed concern with issues relating to allowing the Blue Angels flying over San Francisco
Ron Templin; expressed concern with issues relating to medical marijuana users and providing safe places for these users
Don Martinelli; expressed concern with issues relating to medical marijuana users and providing safe places for these users
Michael Aldrich; support of Item 52 (File 080198)
Kathleen Bosnen; support of Item 52 (File 080198)
Female speaker; expressed concern with issues relating to the homeless
Ace Washington; expressed concern with issues relating to accessible to the Press Room for the African American media staff, Ella Hill Hutch and the Redevelopment Agency and issues relating to the Black Community
Male speaker; expressed concern with issues relating to the commercializing of Coit Tower

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080241 **[Red Cross Month - March 2008]**
Supervisors Elsbernd, Chu

Resolution proclaiming March 2008 as Red Cross Month in San Francisco.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080242 **[Honoring Marge Gambelin for her dedication and her work with the Planning Department of the City and County of San Francisco]**
Supervisor Dufty

Resolution honoring Marge Gambelin for her dedication and her work with the Planning Department of the City and County of San Francisco.

ADOPTED

080243 **[Commendation of Equality California]**
Supervisors Sandoval, Ammiano, Dufty

Resolution commending Equality California, the statewide organization that is championing equality for Lesbian, Gay, Bisexual, and Transgender people in California, on a successful 10th Anniversary 2008 Equality Awards Gala.

ADOPTED

080244 **[Sidewalk Memorial Plaques]**
Supervisors Daly, Mirkarimi

Resolution urging the Department of Public Works to approve Mr. Ian Brennan's encroachment applications for installation of commemorative bronze sidewalk plaques.

ADOPTED

080245 **[Declaring intent of the City and County of San Francisco with regard to pending legislation amending the Medical Cannabis Act of 2005]**
Supervisors Daly, Ammiano, Mirkarimi

Resolution declaring the intent of the City and County of San Francisco not to take enforcement action against those medical cannabis dispensaries that have properly applied for the necessary permits before August 17, 2007, while current legislation is pending to extend the deadline for obtaining final MCD permits from the Department of Public Health.

ADOPTED

080246 [Lifting time limits in rental subsidy program for low income families]
Supervisors Daly, Ammiano, Mirkarimi

Resolution calling on the Human Services Agency (HSA) to remove the arbitrary time limit in its local housing subsidy for homeless families and to make the timeline for this subsidy need-based.

ADOPTED

080247 [Supporting Earth Hour - March 29, 2008]
Supervisors Alioto-Pier, Elsbernd, Dufty, Chu

Resolution to support extinguishing all non-essential lighting in all city government buildings, public schools and public landmarks for the hour between 8:00 PM and 9:00 PM on March 29, 2008 to conserve energy as part of the city-wide energy conservation event: Earth Hour San Francisco, and establishing March 29, 2008 as Earth Hour San Francisco Day.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080248 [Approval of an additional 90 day extension for Planning Commission review in order to allow for a Recreation and Parks Commission hearing]
Supervisor Mirkarimi

Resolution extending by an additional 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Sectional Map 2 of the Zoning Map of the City and County of San Francisco to a date within two weeks of the environmental review hearing for the same action. The proposed Ordinance would specifically change the use classification of Block 1098, Lot 9, located at the northwest corner of Divisadero and O'Farrell Streets, from Small-scale Neighborhood Commercial (NC-2) District to Moderate-scale Neighborhood Commercial (NC-3) District; and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

080249 [Supporting the California Prevention of Farm Animal Cruelty Act]
Supervisor Ammiano

Resolution supporting the California Prevention of Farm Animal Cruelty Act.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier
Excused: 1 - Dufty

Severed from the Without Reference to Committee Agenda

080259 **[Committee of the Whole - February 26, 2008 for hearing on the Planning Commission's Certification of Appropriateness for alterations to the Board of Supervisors' Legislative Chamber]**

Motion to sit as a Committee of the Whole for hearing on the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 – 1 Dr. Carlton B. Goodlett Place.

The President inquired as to whether any member of the public wished to address the Board.
There were none.
The President declared the public hearing closed.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Supervisor Elsbernd requested that this matter be severed so that it might be considered.

080198 **[Condemning Drug Enforcement Agency Actions Against Property Owners Leasing Space to Medical Cannabis Dispensaries]**

Supervisors Daly, McGoldrick, Mirkarimi, Ammiano, Peskin

Resolution reaffirming that the City and County of San Francisco is a sanctuary for medical cannabis, an integral component of which are property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries ("MCD"s) that provide needed services to qualified medical cannabis patients and their caregivers, and that the City vehemently condemns the Drug Enforcement Agency (DEA) for issuing sensational letters to these property owners threatening asset forfeiture and imprisonment.

Supervisor Elsbernd, seconded by Supervisor Daly, moved to waive the Board Rule 3.11.

Motion to waive Board Rule 3.11 was passed without objection.

ADOPTED by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd
Absent: 1 - Alioto-Pier
Excused: 1 - Dufty

Supervisor Elsbernd requested that this matter be severed so that it might be considered.

080246 **[Lifting time limits in rental subsidy program for low income families]**

Supervisors Daly, Ammiano, Mirkarimi

Resolution calling on the Human Services Agency (HSA) to remove the arbitrary time limit in its local housing subsidy for homeless families and to make the timeline for this subsidy need-based.

Continued to March 4, 2008

Supervisor Elsbernd, seconded by Supervisor McGoldrick, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080178 **[Settlement of Lawsuit - Lydia Jones]**

Ordinance authorizing settlement of the lawsuit filed by Lydia Jones against the City and County of San Francisco for $65,000.00; the lawsuit was filed on October 23 2006 in San Francisco Superior Court, Case No. CGC-06-457229; entitled Lydia Jones v. City and County of San Francisco, et al. (City Attorney)

2/7/08, RECEIVED AND ASSIGNED to Rules Committee.

080179 **[Settlement of Lawsuit - Susan Sponseller]**

Ordinance authorizing settlement of the lawsuit filed by Susan Sponseller against the City and County of San Francisco for $100,000; the lawsuit was filed on January 24, 2007 in San Francisco Superior Court, Case No. 459858; entitled Susan Sponseller v. City and County of San Francisco, et al. (City Attorney)

2/7/08, RECEIVED AND ASSIGNED to Rules Committee.

080180 **[Settlement of Lawsuit]**

Ordinance authorizing settlement of the lawsuit filed by Kelly Medora against the City and County of San Francisco for $235,000; the lawsuit was filed on January 27, 2006 in United States District Court, Northern District of California, Case No. C06-00558 EDL; entitled Kelly Medora, et al., v. City and County of San Francisco, et al. (City Attorney)

2/7/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

080181 **[Gift - Private, Department of Public Health - $104,538]**

Resolution authorizing the Department of Public Health to retroactively accept a gift from the San Francisco General Hospital Foundation with a monetary value of $104,538 to back fill-staff attending training designed to decrease the risk of cardiovascular events (heart attacks and strokes) for the period of January 1, 2008 though December 31, 2010. (Public Health Department)

2/6/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080222 **[Gift - Private, Public Health Department - Data Center and Electronic Medication Administration Record System]**

Resolution authorizing the Public Health Department to accept a gift of a Data Center and an Electronic Medication Administration Record System for the San Francisco General Hospital (SFGH) from the San Francisco Hospital Foundation (SFGH Foundation). (Public Health Department)

2/6/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080223 **[Street Encroachments on Ocean Avenue at Granada Avenue]**

Resolution granting revocable permission to San Francisco Arts Commission to occupy a portion of the public right-of-way to install and maintain two mosaic sun spheres, one three feet, and one four feet in diameter near the northeasterly and southwesterly corners of Ocean Avenue and Granada Avenue, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

2/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080224 **[Gift of Equipment to Fire Department]**

Resolution authorizing the San Francisco Fire Department to accept a gift of a fifteen Porto2Vent Continuous Positive Air Pressure Devices and Backpacks valued at $19,050 from Emergent Technologies for use by Fire Department employees who provide ambulance services in the City. (Fire Department)

2/11/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080262 **[Approval of the Substance Abuse and Crime Prevention Act of 2000-Implementation Plan]**

Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2007-2008. (Public Health Department)

2/14/08, RECEIVED AND ASSIGNED to Budget and Finance Committee. Department requests that the item be referred to Budget and Finance Committee.

080263 **[Lease of Real Property at 1740 Cesar Chavez Street]**

Resolution authorizing a new lease of approximately 7,680 square feet at 1740 Cesar Chavez Street for the Department of Human Resources (DHR) for a term of five years. (Real Estate Department)

2/15/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED MOTIONS

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:43 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, March 4, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

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AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	2nd and 4th Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Sandoval	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Daly	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

071671 [De-appropriating $50,000 Golden Gate Park Stables General Fund project and Re-appropriating $50,000 for Golf Course Recreational Study at Recreation and Park for Fiscal Year 2007-2008]
Supervisor McGoldrick

Ordinance de-appropriating $50,000 of General Fund from the Golden Gate Park Stables Project and re-appropriating $50,000 of General Fund for a Recreational Opportunity Study at San Francisco Golf Courses in the Department of Recreation and Park for Fiscal Year 2007-2008.

FINALLY PASSED

080098 [Appropriating $55,000,000 of Commercial Paper revenue for Terminal Improvements T2 Boarding Area D renovations at the San Francisco Airport for Fiscal Year 2007-2008]
Mayor

Ordinance appropriating $55,000,000 of commercial paper revenues for Renovations to the terminal two boarding area D at the San Francisco Airport for Fiscal Year 2007-2008. (Mayor)

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

080189 [Landmark Designation of 451 Jersey Street (Carnegie Noe Valley/Sally Brunn Branch Library)]
Supervisor Dufty

Ordinance designating 451 Jersey Street, the Carnegie Noe Valley/Sally Brunn Branch Library, (Assessor's Block Number 6539, Lot Number 034), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

FINALLY PASSED

Recommendations of the Rules Committee

071299 [Updating a statutory reference in provision regarding settlement of minors' claims]
Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by amending Section 10.22-1, to update a statutory reference in a Code provision regarding the settlement of claims made against the City by minors.

FINALLY PASSED

080136 [Approving Settlement with the California Independent System Operator and adopting the First Amended and Restated Operating Agreement]

Ordinance authorizing settlement of proceedings initiated by the California Independent System Operator before the Federal Energy Regulatory Commission in Docket No. ER06-227-000 to establish operational, scheduling and settlement requirements for certain City electrical transmission transactions and adopting the First Amended and Restated Operating Agreement. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

071536 [Access to and retention of community safety camera recordings]
Supervisors Sandoval, Mirkarimi

Ordinance amending the San Francisco Administrative Code by amending Section 19.3 to allow the Public Defender and other criminal defense attorneys, investigators and the District Attorney to obtain community safety camera recordings for particular purposes; and amending Section 19.6 to specify the procedures for the Public Defender and other criminal defense attorneys and investigators to request community safety camera recordings and to require that the Department of Telecommunications and Information Services retain the recordings for at least 30 days but not more than 30 days.

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

From the Board

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

(Only one of the following two motions should be approved.)

080257 [Approving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion approving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to continue this matter to March 18, 2009.

Motion to continue this matter to March 18, 2008 failed by the following vote:
Ayes: 5 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 6 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to approve File No. 080257 (Item 7) and table File No. 080258 (Item 8).
Motion failed by the following vote:
Ayes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd
Noes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd

080258 [Disapproving Planning Commission's approval for Certificate of Appropriateness regarding the alterations of the Board of Supervisors' Legislative Chamber]

Motion disapproving the Planning Commission's approval of Motion No. 17529 (Case No. 2007.1332A), Certificate of Appropriateness, in order to make the President's desk and the Clerk of the Board's desk in the Board of Supervisors' Chamber accessible to persons with disabilities; Lot 001 in Assessor's Block 0787 - 1 Dr. Carlton B. Goodlett Place.

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to continue this matter to March 18, 2009.
Motion to continue this matter to March 18, 2008 failed by the following vote:
Ayes: 5 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 6 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Sandoval

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved to approve File No. 080257 (Item 7) and table File No. 080258 (Item 8).
Motion failed by the following vote:
Ayes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd
Noes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick, seconded by Supervisor Daly, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd

From the Rules Committee Without Recommendation

071679 [Solar Energy Incentive Program]

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. (Assessor-Recorder)

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 4 - Alioto-Pier, Chu, Elsbernd, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080191 [Mortgage Revenue Bonds]
Supervisor Mirkarimi

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $12,000,000 for 850 Broderick Street (Zygmunt Arendt House); authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $60,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $12,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080099 [Appropriating $34,896,162 of bond sale proceeds, interest and property rental revenues for improvements and construction of San Francisco Public Library Facilities Fiscal Year 2007-2008]
Mayor

Ordinance appropriating $31,065,000 of bond sale proceeds from the 2000 Branch Library Improvement Program Bond – 4th Series, $3,679,362 in bond interest earned and $151,800 in rent monies to fund the improvement and construction of the San Francisco Public Library Facilities for Fiscal year 2007-08. Place Controller's Reserve on $31,065,000 of the bond sale proceeds pending sale of the bond.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080159 [Issuance and Sale of Tax-Exempt Bonds - Lycée Français Lapérouse]
Supervisor Chu

Resolution approving the issuance and sale of tax-exempt bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed $2,000,000 to finance the acquisition, construction, improvement and/or equipping of facilities owned by Lycée Français Lapérouse or an affiliate and certain other matters relating thereto.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

080193 [Appropriating $2,263,846 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for Fiscal Year 2007-2008]
Supervisor Maxwell

Ordinance appropriating $2,263,846 of General Fund Reserve to fund unanticipated increased costs of indigent defense expenses associated with People v. Bell as well as adult criminal and juvenile delinquency cases in the Superior Court of California for Fiscal Year 2007-2008.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd

Recommendation of the Government Audit and Oversight Committee

080234 [Directing the Budget Analyst to conduct a managerial audit of the First Offender Prostitution Program]
Supervisor McGoldrick

Motion directing the Budget Analyst to conduct a managerial audit on the First Offender Prostitution Program (FOPP), a diversion program of Standing Against Global Exploitation (SAGE).

(Supervisor Elsbernd dissented in committee.)

APPROVED by the following vote:
Ayes: 7 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, McGoldrick, Mirkarimi
Noes: 4 - Elsbernd, Maxwell, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

Supervisors Daly and Dufty Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Maxwell, moved to excuse Supervisors Daly and Dufty at their request, because of possible conflict of interest, from voting. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071156 [Planning Code Amendments to implement the Van Ness and Market Downtown Residential Special Use District]
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by adding Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

8/13/07 - Economic Impact.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE to the Land Use and Economic Development Committee. The motion carried by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by adding Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying $30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights)TDRs);and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Re-referred as amended to the Land Use and Economic Development Committee.
The amended legislation will be referred to the Planning Department as soon is available

RE-REFERRED to the Land Use and Economic Development Committee by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071157 [Planning Code Amendments to implement the Market and Octavia Area Plan]
Supervisor Mirkarimi

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a $10 per square foot fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); Section 249.34 to establish the Fulton Street Grocery Store Special Use District; Section 249.35 to establish the Duboce Triangle Flexible Density Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of $10 per square foot for certain new residential and $4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of $9 per square foot for transit impacts from residential development and $5 per square foot for impacts from new parking spaces; Sections 341-341.,4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncodified Section 4 adopting procedures for treatment of historic resources in the Plan Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

(Economic Impact.)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

Re-referred as amended to the Land Use and Economic Development Committee.
The amended legislation will be referred to the Planning Department as soon is available.
RE-REFERRED to the Land Use and Economic Development Committee.

080255 [Planning Code Amendments to implement the Market and Octavia Area Plan]
Supervisor McGoldrick

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a $10 per square foot fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special·use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD); Section 249.34 Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of $10 per square foot for certain new residential and $4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of $9 per square foot for transit impacts from residential development and $4 per square foot for impacts from new parking spaces; Sections 341-341.,4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncodified Section 4 adopting procedures for treatment of historic resources in the Plan Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Lan

d Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071159 **[Zoning Map Amendment in connection with the Market and Octavia Area Plan]**
Supervisor Mirkarimi

Ordinance amending Zoning Map Sheets 2, 2H, 2SU and 7, 7H, and 7SU of the City and County of San Francisco Planning Code to eliminate use districts and height and bulk districts within the Market and Octavia Plan Area; replacing them with revised use districts, height and bulk districts, and special use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be RE-REFERRED to the Land Use and Economic Development Committee. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071522 **[Residential Rent Ordinance: Sellers and Purchasers to Give Tenants Written Disclosure of Rights Before and After Sale of the Rental Property]**
Supervisors Daly, Sandoval, McGoldrick

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by adding subsection (j) to Section 37.9, to provide that tenants in units subject to Section 37.9 be given written disclosure of specified rights by sellers and purchasers before and after the sale of such property.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

Recommendations of the Rules Committee

Supervisor Ammiano was noted absent at 5:54 p.m.

080155 **[Extending the term of service for the Power Plant Task Force]**
Supervisor Maxwell

Resolution to extend the expiration date of the Power Plant Task Force from June 1, 2007 to December 31, 2009.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080239 [Appointment, Planning Commission - Christina Olague]
Supervisor Peskin

Motion approving the Board of Supervisors President Peskin's nomination of Christina Olague to the Planning Commission term ending July 1, 2012.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Companion measure to File 080240.) Transmittal date - February 12, 2008.

APPROVED by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Ammiano, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Mirkarimi introduced, welcomed and presented a Certificate of Honor to Madeline Behrens-Brighams in recognition of Women Making History.

Supervisor Elsbernd introduced, welcomed and presented a Certificate of Honors to Mary Flynn in recognition of Women Making History.

Supervisor Chu introduced, welcomed and presented a Certificate of Honor to San Police Officer Mary Burns in recognition of Women Making History.

Supervisor Maxwell introduced, welcomed and presented a Certificate of Honor to Pat Coleman in recognition of Women Making History.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honors to Jennifer Friedenbach in recognition of Women Making History.

Supervisor Sandoval introduced, welcomed and presented a Certificate of Honor to Aurora Grajeda in recognition of Women Making History.

Supervisor Alioto-Pier introduced, welcomed and presented Certificate of Honor to Gabriel Jackson Renstrom in recognition of Women Making History.

Supervisor Daly introduced, welcomed and presented a Certificate of Honor to Christine Morrison in recognition of Women Making History.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Rebecca Prozan in recognition of Women Making History.

Supervisor McGoldrick introduced, welcomed and presented a Certificate of Honor to Debra Walker in recognition of Women Making History.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Judy Irving in recognition of Women Making History.

SPECIAL ORDER 4:00 P.M.

Supervisor McGoldrick was noted absent at 5:22 p.m.
Supervisor McGoldrick was noted present at 5:37 p.m.

Supervisor Dufty Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080211 **[Public Hearing - Appeal, Final Environmental Impact Report for 55 Laguna Street Mixed Use Project]**

Hearing of persons interested in or objecting to the decision of the Planning Commission's January 17, 2008, certification of a Final Environmental Impact Report identified as Case No. 2004.0773E, through its Motion No. M-17532, for the proposed 55 Laguna Street Mixed Use Project, Lots 001, 002, and 003 in Assessor's Block 0870 and Lots 001, and 01A in Assessor's Block 0857. (Appellant: Cynthia Servetnick, Director, Save the Laguna Street Campus.)

(Filed February 6, 2008; companion measure to Files 080212, 080213, 080214; District 8.)

The President inquired as to whether any member of the public wished to address the Board members.

Tomar Colby, Appellant Representative
Steve Setlzer; support of the appellant
Richard McCreer; support of the appellant
Mark Paez; support of the appellant
Jack Gold; support of the appellant
Allen Martinez; support of the appellant
Vincent Marsh; support of the appellant

Bill Wycko; Representative of the Planning Department,reviewed the Planning Department's recommendation.

Steve Vittel, Representative of the project sponsor
Elaine Alverson; support of the project sponsor
Male speaker; support of the project sponsor
Leslier Riser; support of the project sponsor
Male speaker; support of the project sponsor
Male speaker; support of the project sponsor
Ray Rudolph; support of the project sponsor
Rebuttal Period:
Cynthia Servetnic, Save the Laguna Street Campus, Appellant

President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Final Environmental Impact Report described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080212 **[Affirming certification of 55 Laguna Street Mixed Use Project FEIR]**

Motion affirming the certification by the Planning Commission of the Final Environmental Impact Report for the 55 Laguna Street Mixed Use Project.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080213 **[Disapproving certification of 55 Laguna Street Mixed Use Project FEIR]**

Motion disapproving the certification by the Planning Commission of the Final Environmental Impact Report for 55 Laguna Street Mixed Use Project.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080214 **[Preparation of findings to disapprove certification of 55 Laguna Street Mixed Use Project FEIR]**

Motion directing the Clerk of the Board to prepare findings disapproving the certification by the Planning Commission of the Final Environmental Impact Report for the 55 Laguna Street Mixed Use Project.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

COMMITTEE REPORTS

080157 **[Zoning - Educational services and institutional uses, Mixed Use Districts and NCDs]**
Supervisor Peskin

Ordinance amending the Planning Code by amending Sections 102.2 to exclude specified accredited educational institutions from the definition of arts activities; amending Section 790.50 and 890.50 to clarify that certain institutions, including accredited educational institutions, in the Neighborhood Commercial Districts and Mixed Use Districts are required to comply with applicable provisions of the institutional master plans as set forth in Section 304.5; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080156 **[Zoning - Conditional Use for specified educational services in Western SoMa]**
Supervisor Peskin

Ordinance amending the Planning Code by amending Section 823 to prohibit educational institutions as defined in Section 890.50(c) in the Western SoMa Planning Area Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080280 **[Zoning - Repeal of the interim moratorium on institutional uses in the Western SoMa]**
Supervisor Peskin

Ordinance repealing the interim zoning moratorium that prohibits the establishment of specified new institutional uses in the Western SoMa Planning Area Special Use District.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

080192 **[Lease Disposition and Development Agreement and Lease for Property Located at 850 Broderick Street]**
Supervisor Mirkarimi

Resolution approving and authorizing the Mayor's Office of Housing to enter into a lease disposition and development agreement for a long term ground lease with Arendt House, L.P., a California Limited Partnership, for the development and operation of affordable housing and associated uses on certain real property located at 850 Broderick Street and authorizing the Director of Property to enter into the lease.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Ammiano

ROLL CALL FOR INTRODUCTIONS

Supervisor Ammiano was noted present at 5:59 p.m.
Supervisor Alioto-Pier was noted absent at 6:19 p.m.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed appreciation to Supervisor Peskin's staff
and issues relating to the Presidential election
James Chaffee; expressed concern with issues relating to the SF Public Library
Richard McCree; expressed concern with issues relating to his patent for the Sigmund Grove
Walter; expressed concern with issues relating to budget cuts in the SF Health Department
Female speaker; expressed concern with issues to the human rights abuse in China
Male speaker; expressed concern with issues relating to the human rights abuse in China
Male speaker; expressed concern with issues relating to the human rights abuse in China
Cecille Mills; expressed concern with issues relating to the environment and the use of gasoline

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080285 [Noe Valley/Sally Brunn Branch Library re-opening]
Supervisor Dufty

Resolution recognizing the grand re-opening of the Noe Valley/Sally Brunn Branch Library and commending the San Francisco Public Library and its team for their hard work and commitment to San Francisco and its residents.

ADOPTED

080286 [Support of bill designating safety enhancement-double fine zones]
Supervisors Chu, Elsbernd, McGoldrick, Mirkarimi

Resolution supporting SB 1419, a bill to designate safety enhancement-double fine zones along State Highway Route 1 from Junipero Serra Boulevard to Lake Street and urging the California Legislature to pass the bill.

ADOPTED

080287 [Adopting the U.S. Cool Counties Climate Stabilization Declaration]
Supervisor Daly

Resolution adopting the U.S. Cool Counties Climate Stabilization Declaration

ADOPTED

080289 [Mountain Lake Park - Toxic Issues]
Supervisors Alioto-Pier, McGoldrick

Resolution urging the Presidio Trust and Caltrans to immediately resolve the toxicity issue at Mountain Lake through further testing, clean up and diversion measures; and urging the Recreation and Park Department to immediately post signs warning residents that Mountain Lake has been designated a toxic clean up site.

Supervisor McGoldrick requested to be added as a co-sponsor.

ADOPTED

080296 [Authorizing preparation of Proponent/Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 3, 2008 Election]

Motion authorizing preparation of written Proponent and Opponent ballot arguments and rebuttal ballot arguments for submittal to the voters at the June 3, 2008 Election.

APPROVED

080292 [Grant funds to support HIV vaccine trials]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement and to accept and expend funds in the amount of $78,943, with the Fred Hutchinson Cancer Research Center (FHCRC), the primary contractor, to support the San Francisco HIV Vaccine Trials Network (VTN) Scholars Group/Public Health Foundation Enterprises (PHFE); for the period of June 1, 2007 through May 31, 2008.

ADOPTED

080293 [Accept-Expend Private Foundation Grant - Department of the District Attorney]
Supervisor Alioto-Pier

Resolution authorizing the Department of the District Attorney of the City and County of San Francisco to accept and expend a grant in the amount of $64,500 from the Kaiser Permanente Northern California Community Grants Program for a program entitled "Back on Track" for fiscal year 2007/2008.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Severed from the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered.
Supervisor Elsbernd, seconded by Supervisor Ammiano, moved to waive the Board Rule 3.11.

Motion to waive Board Rule 3.11 passed without objection.

080246 [Lifting time limits in rental subsidy program for low income families]
Supervisors Daly, Ammiano, Mirkarimi

Resolution calling on the Human Services Agency (HSA) to remove the arbitrary time limit in its local housing subsidy for homeless families and to make the timeline for this subsidy need-based.

ADOPTED by the following vote:
Ayes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval
Noes: 4 - Chu, Elsbernd, Maxwell, McGoldrick
Absent: 1 - Alioto-Pier

Supervisor Sandoval requested that this matter be severed so that it might be considered.

080288 [Commending the American Academy of Orthopedic Surgeons, the Friends of Balboa Park Playground, KaBOOM! and the Neighborhood Parks Council]
Supervisor Sandoval

Resolution commending the American Academy of Orthopedic Surgeons, the Friends of Balboa Park Playground, KaBOOM! and the Neighborhood Parks Council for their efforts to replace the Balboa Park Playground.

Supervisor Sandoval, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

ADOPTED AS AMENDED by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Supervisor Elsbernd requested that this matter be severed so that it might be considered.

080291 [Amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst]
Supervisor Mirkarimi

Motion amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst to include a survey of City Departments and analysis of the number and cost of positions performing public relations – public information including the justification for such positions.

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Motion be REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

OFF-AGENDA LEGISLATION

PROPOSED RESOLUTIONS

PROPOSED ORDINANCES

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:46 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

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8 /
3/11/08

Tuesday, March 11, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present:	Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Alioto-Pier, Ammiano and McGoldrick were noted absent.

There was a quorum present.

Supervisors Alioto-Pier and Ammiano were noted present at 2:06 p.m

Supervisor McGoldrick was excused from attending today's meeting.

Supervisor McGoldrick Excused from Attendance

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to excuse Supervisor McGoldrick from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the February 12, 2008 and February 26, 2008 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080099 **[Appropriating $34,896,162 of bond sale proceeds, interest and property rental revenues for improvements and construction of San Francisco Public Library Facilities Fiscal Year 2007-2008]**
Mayor

Ordinance appropriating $31,065,000 of bond sale proceeds from the 2000 Branch Library Improvement Program Bond – 4th Series, $3,679,362 in bond interest earned and $151,800 in rent monies to fund the improvement and construction of the San Francisco Public Library Facilities for Fiscal year 2007-08. Place Controller's Reserve on $31,065,000 of the bond sale proceeds pending sale of the bond.

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

080157 **[Zoning - Educational services and institutional uses, Mixed Use Districts and NCDs]**
Supervisor Peskin

Ordinance amending the Planning Code by amending Sections 102.2 to exclude specified accredited educational institutions from the definition of arts activities; amending Section 790.50 and 890.50 to clarify that certain institutions, including accredited educational institutions, in the Neighborhood Commercial Districts and Mixed Use Districts are required to comply with applicable provisions of the institutional master plans as set forth in Section 304.5; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

080156 **[Zoning - Conditional Use for specified educational services in Western SoMa]**
Supervisor Peskin

Ordinance amending the Planning Code by amending Section 823 to prohibit educational institutions as defined in Section 890.50(c) in the Western SoMa Planning Area Special Use District; and making environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

(Economic Impact.)

FINALLY PASSED

080280 **[Zoning - Repeal of the interim moratorium on institutional uses in the Western SoMa]**
Supervisor Peskin

Ordinance repealing the interim zoning moratorium that prohibits the establishment of specified new institutional uses in the Western SoMa Planning Area Special Use District.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080222 **[Gift - Private, Public Health Department - Data Center and Electronic Medication Administration Record System]**

Resolution authorizing the Public Health Department to accept a gift of a Data Center and an Electronic Medication Administration Record System for the San Francisco General Hospital (SFGH) from the San Francisco Hospital Foundation (SFGH Foundation). (Public Health Department)

ADOPTED

080224 **[Gift of Equipment to Fire Department]**

Resolution authorizing the San Francisco Fire Department to accept a gift of a fifteen Porto2Vent Continuous Positive Air Pressure Devices and Backpacks valued at $19,050 from Emergent Technologies for use by Fire Department employees who provide ambulance services in the City. (Fire Department)

ADOPTED

080227 **[Grant to support SFGHMC's Quality Improvement Initiative]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health, San Francisco General Hospital Medical Center (DPH-SFGHMC) to accept and expend retroactively a two-year grant from Kaiser Permanente's Community Benefits Program in the amount of $150,000, to fund SFGHMC's Quality Improvement Initiative; for the period of October 1, 2007 through October 1, 2009.

ADOPTED

080228 **[Funds to support nutrition services]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $11,927 from FACET, BAART Programs Turk Street Clinic for a project entitled "FACET – SFDPH Nutrition Services," for the period of January 1, 2008 through December 30, 2008.

ADOPTED

080181 **[Gift - Private, Department of Public Health - $104,538]**

Resolution authorizing the Department of Public Health to retroactively accept a gift from the San Francisco General Hospital Foundation with a monetary value of $104,538 to back fill-staff attending training designed to decrease the risk of cardiovascular events (heart attacks and strokes) for the period of January 1, 2008 though December 31, 2010. (Public Health Department)

ADOPTED

Recommendations of the Rules Committee

080178 **[Settlement of Lawsuit - Lydia Jones]**

Ordinance authorizing settlement of the lawsuit filed by Lydia Jones against the City and County of San Francisco for $65,000.00; the lawsuit was filed on October 23, 2006 in San Francisco Superior Court, Case No. CGC-06-457229; entitled Lydia Jones v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080179 **[Settlement of Lawsuit - Susan Sponseller]**

Ordinance authorizing settlement of the lawsuit filed by Susan Sponseller against the City and County of San Francisco for $100,000; the lawsuit was filed on January 24, 2007 in San Francisco Superior Court, Case No. 459858; entitled Susan Sponseller v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080180 **[Settlement of Lawsuit - Kelly Medora]**

Ordinance authorizing settlement of the lawsuit filed by Kelly Medora against the City and County of San Francisco for $235,000; the lawsuit was filed on January 27, 2006 in United States District Court, Northern District of California, Case No. C06-00558 EDL; entitled Kelly Medora, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

080193 **[Appropriating $2,263,846 of General Fund Reserve for Indigent Defense Expenses in the Superior Court for Fiscal Year 2007-2008]**

Supervisor Maxwell

Ordinance appropriating $2,263,846 of General Fund Reserve to fund unanticipated increased costs of indigent defense expenses associated with People v. Bell as well as adult criminal and juvenile delinquency cases in the Superior Court of California for Fiscal Year 2007-2008.

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Alioto-Pier, Elsbernd
Excused: 1 - McGoldrick

Recommendation of the Land Use and Economic Development Committee

071522 **[Residential Rent Ordinance: Sellers and Purchasers to Give Tenants Written Disclosure of Rights Before and After Sale of the Rental Property]**
Supervisors Daly, Sandoval, McGoldrick

Ordinance amending Administrative Code Chapter 37 "Residential Rent Stabilization and Arbitration Ordinance" by adding subsection (j) to Section 37.9, to provide that tenants in units subject to Section 37.9 be given written disclosure of specified rights by sellers and purchasers before and after the sale of such property.

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080230 **[Appropriating $4,270,320 for Capital Improvements at San Francisco General Hospital in the Department of Public Health for Fiscal Year 2007-2008]**
Supervisor Chu

Ordinance appropriating $4,270,320 of General Fund Budget Savings Incentive Reserve Funding for capital improvements at San Francisco General Hospital associated with central service building seismic upgrades and electrical power distribution in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080196 **[Appropriating $246,000 of General Fund Reserve to the Human Resources Department to fund the Workers Compensation Clinic at San Francisco General Hospital]**
Supervisors Mirkarimi, Ammiano, Daly

Ordinance appropriating $246,000 from the General Fund Reserve to the Human Resources Department to fund the Workers Compensation Clinic at San Francisco General Hospital for Fiscal Year 2007-2008.

(Supervisors Elsbernd and Chu dissented in committee)
(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - McGoldrick

Recommendations of the City Operations and Neighborhood Services Committee

080039 [Landmark Tree Designation of Blue Elderberry located in the Bernal Heights Natural Area at Folsom Street and Bernal Heights Boulevard]
Supervisor Ammiano

Ordinance designating the Blue Elderberry (Sambucus mexicana) in the Bernal Heights Natural Area (Assessor's Block 5548, Lot 002) at Folsom Street and Bernal Heights Boulevard as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080040 [Landmark Tree Designation of Moreton Bay Fig at 3555 Cesar Chavez Street, facing Valencia Street]
Supervisor Ammiano

Ordinance designating the Moreton Bay Fig (Ficus macrophylla) at 3555 Cesar Chavez Street (Assessor's Block 6575, Lot 002), facing Valencia Street as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080041 [Landmark Tree Designation of Flowering Ash tree no. 1 at 500 Cortland Avenue]
Supervisor Ammiano

Ordinance designating the Flowering Ash (Fraxinus ornus) tree no. 1 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the eastern side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080042 [Landmark Tree Designation of Flowering Ash tree no. 2 at 500 Cortland Avenue]
Supervisor Ammiano

Ordinance designating the Flowering Ash (Fraxinus ornus) tree no. 2 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the western side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080043 [Endorsing the recommendations of the Healthcare Action Team regarding the discharge of homeless patients in San Francisco]

Supervisors Ammiano, Daly, Mirkarimi

Resolution endorsing the Healthcare Action Team's recommendations for procedures on homeless patients hospital discharge, including more respite beds, a streamlined discharge process, distribution of information sheets, utilization of transitional care programs, expansion of the Ombudsman office and no discharges on Fridays.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Resolution endorsing the Healthcare Action Team's recommendations for procedures on homeless patients hospital discharge, including more respite beds, a streamlined discharge process, distribution of information sheets, utilization of transitional care programs, expansion of the Ombudsman office and providing written discharge verification.

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendation of the Land Use and Economic Development Committee

071528 [Administrative Code - Amendments Creating Large Tourist Hotel Conversion Ordinance]

Supervisors Peskin, Ammiano, Daly, Maxwell, Mirkarimi, Sandoval

Ordinance amending the Administrative Code to add Section 41F to limit conversion of Large Tourist Hotels into condominium projects, allowing the Planning Commission to approve conversion of up to 500 units before March 1, 2010, establishing conditions precedent and procedures for an annual lottery system for conversions after March 1, 2010, requiring applicants for conversions to provide the Planning Department with certain information regarding the conversion, creating a 120-month sunset period, and making environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Rules Committee

071659 [Deletes the cap on the amount that an individual production can receive under the Rebate Program]
Supervisor Alioto-Pier

Ordinance amending Administrative Code Section 57.8 by repealing the provision that limits individual rebates under the Rebate Program to the amount of tax that the film production paid to the City.

(Economic Impact)

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be RE-REFERRED to the Rules Committee. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

071660 [Comprehensive Package to Support Film Production in San Francisco]
Supervisor Alioto-Pier

Resolution directing City departments, and urging other public entities, to cooperate with the Film Commission to streamline film permitting procedures, to adopt a single Use Agreement and a single insurance policy for film productions, and to create consistent fee structures.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

From the Rules Committee Without Recommendation

071661 [Menu Labeling At Chain Restaurants]
Supervisors Ammiano, Dufty, Mirkarimi, McGoldrick, Maxwell

Ordinance amending Sections 468 through 468.8 of the San Francisco Health Code to (1) require chain restaurants to disclose, per standard menu item, the total number of calories on menu boards and food tags, and the total amount of calories, saturated fat, carbohydrates and sodium on menus; (2) revise existing requirements for providing nutritional information on alternative disclosure media; and (3) authorize the Department of Public Health to impose a fee on chain restaurants for implementation of the ordinance.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

071626 **[Repealing Board Rule 3.9.1 - Mayor's appearance before the Board of Supervisors]**
Supervisor Alioto-Pier

Motion amending the Rules of Order of the Board of Supervisors to repeal Rule 3.9.1 regarding Mayor's appearance before the Board.

Supervisor Dufty, seconded by Supervisor Ammiano, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Alioto-Pier introduced, welcomed and presented Certificate of Honors to the winners of the SF Climate Challenge.
Supervisor Elsbernd introduced and welcomed family members of Emeric Kalman and read a resolution commending Mr. Kalman.

SPECIAL ORDER 4:00 P.M.

070910 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members. Continued to March 25, 2008.

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**
Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 25, 2008

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**
Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 25, 2008

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

070913 **[Preparation of findings related to the 3424 Jackson Street project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to March 25, 2008

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

COMMITTEE REPORTS

080236 [Repealing the San Francisco Traffic Code and enacting Division I of the San Francisco Transportation Code to conform to the requirements of Proposition A]
Supervisor Peskin

Ordinance repealing the San Francisco Traffic Code and enacting Division I of a new San Francisco Transportation Code, setting forth requirements for the regulation of transit, traffic, streets and parking under the jurisdiction of the Board of Supervisors, including the regulation of news gathering vehicles, enforcement authority, parking control, rules for driving, bicycle registration, towing and impoundment, abatement of nuisance vehicles, procedures on the temporary use or occupancy of public streets and violations.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
Nan Su; expressed concern with issues relating to the human rights torch relay
Walter; expressed in song certain general issues
Reverend Debra Benedict; expressed concern with issues relating the lack of interaction between the Mayor or the Board of Supervisors
Clare Lee; expressed concern with issues relating to the human rights torch relay
Male speaker; expressed concern with issues relating to the human rights torch relay
Francisco di Costa; expressed concern issues relating to quality of life issues in San Francisco
Richard McCree; expressed concern with issues relating to his patent for Sigmund Stern
Edmond Larry; expressed concern with issues relating to SRO's, housing and violence in these housing facilities

CLOSED SESSION

080300 **[Closed Session - Existing Litigation - Chambers v. City and County of San Francisco]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding existing litigation, Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1) permit this closed session. Discussion in open session concerning these matters would likely and unavoidably prejudice the position of the City in the pending lawsuit. (City Attorney)

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to convene in Closed Session
Closed Session held and Closed. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

The Board recessed at the hour of 3:22 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:
Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Jim Emery, Deputy City Attorney
Dr. Mitchell Katz, Director of the Public Health
Monique Zmuda, Deputy Controller
Angela Calvillo, Clerk of the Board
Kay Gulbengay, Deputy Clerk of the Board

Reconvening of the Board

The Board at the hour of 3:32 p.m. reconvened.

Matter was heard in Closed Session and Filed.

[Elect Not to Disclose]
Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved not to disclose it's Closed Session Deliberations. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendation of the Rules Committee

080135 **[Settlement of Lawsuit - Mark Chambers]**

Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

Continued to March 25, 2008

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080327 **[Funds to support HIV research activities]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $7,167 from University of California, San Francisco, Center for AIDS Research (CFAR); for the period of September 1, 2007 through August 31, 2008.

ADOPTED

080328 **[Urging the Department of Parking and Traffic to install STOP signs at the intersection of 24th Street and Hoffman Avenue]**
Supervisor Dufty

Resolution urging the Department of Parking and Traffic to install STOP signs at the intersection of 24th Street and Hoffman Avenue.

ADOPTED

080329 **[Declaration of Election Results - February 5, 2008]**
Supervisor Peskin

Resolution declaring the results of the February 5, 2008 Consolidated Presidential Primary Election.

ADOPTED

080330 **[Approval of a 30 day extension for Planning Commission review - Types of Entertainment]**
Supervisor Peskin

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance amending Sections 102.17, 790.38, and 890.37 of the San Francisco Planning Code to define three types of entertainment use based upon size; amending Sections 1060, 1060.1, 1060.3, 1070, 1070.1, and 1070.3 of the San Francisco Police Code to define the three types of entertainment use authorized by the Planning Code and to require an application and the permit for a place of entertainment or extended-hours activity to specify one of the three types of entertainment use; adopting findings, including environmental findings and findings required by Section 302 of the Planning Code.

ADOPTED

080331 **[Approval of a 30 day extension for Planning Commission review - 690 Market Street]**
Supervisor Peskin

Resolution extending by 30 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of 690 Market Street, the Chronicle Building, Lot 6 in Assessor's Block 311, as a landmark pursuant to Section 1004.1 of the Planning Code and urging expedited consideration of the building's landmark status and a Mills Act contract associated with the building's rehabilitation and restoration.

ADOPTED

080290 **[Final Map - One Ecker Street]**
Motion approving Final Map 4614, a 53 Unit Mixed-Use Condominium Project, located at One Ecker Street being a subdivision of Lot 022 in Assessors Block No. 3708 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,409; District 6.)

APPROVED

080297 **[Final Map - 1355 Valencia Street]**
Motion approving Final Map 2015, a 7 Unit Mixed-Use Condominium Project, located at 1355 Valencia Street being a subdivision of Lot 022 in Assessors Block No. 6515 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,361; District 9.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTION

080299 **[Airport Concession Lease]**
Resolution approving the Boarding Area "E" Candy Kiosk Lease between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)
2/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:05 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

F
790
#69
3/18/08

Tuesday, March 18, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	**Meeting Days**
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

MAR 21 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:01 p.m. On the call of the roll Supervisors Maxwell and Sandoval were noted absent.

There was a quorum present.

Supervisors Maxwell and Sandoval were noted present at 2:03 p.m.

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080230 [Appropriating $4,270,320 for Capital Improvements at San Francisco General Hospital in the Department of Public Health for Fiscal Year 2007-2008]
Supervisor Chu

Ordinance appropriating $4,270,320 of General Fund Budget Savings Incentive Reserve Funding for capital improvements at San Francisco General Hospital associated with central service building seismic upgrades and electrical power distribution in the Department of Public Health for Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080039 [Landmark Tree Designation of Blue Elderberry located in the Bernal Heights Natural Area at Folsom Street and Bernal Heights Boulevard]
Supervisor Ammiano

Ordinance designating the Blue Elderberry (Sambucus mexicana) in the Bernal Heights Natural Area (Assessor's Block 5548, Lot 002) at Folsom Street and Bernal Heights Boulevard as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

FINALLY PASSED

080040 [Landmark Tree Designation of Moreton Bay Fig at 3555 Cesar Chavez Street, facing Valencia Street]
Supervisor Ammiano

Ordinance designating the Moreton Bay Fig (Ficus macrophylla) at 3555 Cesar Chavez Street (Assessor's Block 6575, Lot 002), facing Valencia Street as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

FINALLY PASSED

080041 [Landmark Tree Designation of Flowering Ash tree no. 1 at 500 Cortland Avenue]
Supervisor Ammiano

Ordinance designating the Flowering Ash (Fraxinus ornus) tree no. 1 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the eastern side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

FINALLY PASSED

080042 [Landmark Tree Designation of Flowering Ash tree no. 2 at 500 Cortland Avenue]
Supervisor Ammiano

Ordinance designating the Flowering Ash (Fraxinus ornus) tree no. 2 at 500 Cortland Avenue, in front of the Bernal Heights Library, which flanks the western side of the main doors to the library on Cortland Avenue (Assessor's Block 5707, Lot 027) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

080236 [Repealing the San Francisco Traffic Code and enacting Division I of the San Francisco Transportation Code to conform to the requirements of Proposition A]
Supervisor Peskin

Ordinance repealing the San Francisco Traffic Code and enacting Division I of a new San Francisco Transportation Code, setting forth requirements for the regulation of transit, traffic, streets and parking under the jurisdiction of the Board of Supervisors, including the regulation of news gathering vehicles, enforcement authority, parking control, rules for driving, bicycle registration, towing and impoundment, abatement of nuisance vehicles, procedures on the temporary use or occupancy of public streets and violations.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

071528 **[Administrative Code - Amendments Creating Large Tourist Hotel Conversion Ordinance]**
Supervisors Peskin, Ammiano, Daly, Maxwell, Mirkarimi, Sandoval

Ordinance amending the Administrative Code to add Section 41F to limit conversion of Large Tourist Hotels into condominium projects, allowing the Planning Commission to approve conversion of up to 500 units before March 1, 2010, establishing conditions precedent and procedures for an annual lottery system for conversions after March 1, 2010, requiring applicants for conversions to provide the Planning Department with certain information regarding the conversion, creating a 120-month sunset period, and making environmental findings.

FINALLY PASSED

Recommendations of the Rules Committee

080178 **[Settlement of Lawsuit - Lydia Jones]**
Ordinance authorizing settlement of the lawsuit filed by Lydia Jones against the City and County of San Francisco for $65,000.00; the lawsuit was filed on October 23, 2006 in San Francisco Superior Court, Case No. CGC-06-457229; entitled Lydia Jones v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080179 **[Settlement of Lawsuit - Susan Sponseller]**
Ordinance authorizing settlement of the lawsuit filed by Susan Sponseller against the City and County of San Francisco for $100,000; the lawsuit was filed on January 24, 2007 in San Francisco Superior Court, Case No. 459858; entitled Susan Sponseller v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080180 **[Settlement of Lawsuit - Kelly Medora]**
Ordinance authorizing settlement of the lawsuit filed by Kelly Medora against the City and County of San Francisco for $235,000; the lawsuit was filed on January 27, 2006 in United States District Court, Northern District of California, Case No. C06-00558 EDL; entitled Kelly Medora, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

080196 [Appropriating $246,000 of General Fund Reserve to the Human Resources Department to fund the Workers Compensation Clinic at San Francisco General Hospital]
Supervisors Mirkarimi, Ammiano, Daly

Ordinance appropriating $246,000 from the General Fund Reserve to the Human Resources Department to fund the Workers Compensation Clinic at San Francisco General Hospital for Fiscal Year 2007-2008.

(Supervisors Elsbernd and Chu dissented in committee)
(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

From the Rules Committee Without Recommendation

071661 [Menu Labeling At Chain Restaurants]
Supervisors Ammiano, Dufty, Mirkarimi, McGoldrick, Maxwell

Ordinance amending Sections 468 through 468.8 of the San Francisco Health Code to (1) require chain restaurants to disclose, per standard menu item, the total number of calories on menu boards and food tags, and the total amount of calories, saturated fat, carbohydrates and sodium on menus; (2) revise existing requirements for providing nutritional information on alternative disclosure media; and (3) authorize the Department of Public Health to impose a fee on chain restaurants for implementation of the ordinance.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

From the Budget and Finance Committee Without Recommendation

071552 [Approving Water System Improvement Program (WSIP) Agreement]

Resolution approving Amendment No. 1 to Agreement No. CS-765 of the San Francisco Water System Improvement Program (WSIP) – Program/Project/Pre-Construction Management Services with Parsons Water and Infrastructure. (Public Utilities Commission)

(Supervisor Daly dissented in committee)
(Fiscal Impact.)

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Recommendations of the Government Audit and Oversight Committee

071518 [Standards of Care for City Shelters]
Supervisors Ammiano, Mirkarimi, Peskin, Daly, Maxwell, Sandoval

Ordinance amending the San Francisco Administrative Code by adding a new Article 13 to Chapter 20 to: 1) mandate certain provisions in all contracts for City funded shelters, 2) require the City to take corrective enforcement measures against City-funded shelter contractors who fail to comply with contractual provisions that this Article requires; 3) require the Shelter Monitoring Committee to investigate complaints against City funded-shelters, and 4) require the Director of the Department of Public Health to determine if the imposition of liquidated damages is warranted against shelters who fail to comply with a corrective action plan.

(Fiscal Impact.)

Supervisor Sandoval requested to be added as a co-sponsor.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

080229 [Shelter Monitoring Committee]
Supervisors Ammiano, Peskin, Maxwell, Sandoval

Ordinance amending sections 20.302 of the San Francisco Administrative Code to require the Department of Public Health to assign two full-time employees to staff the Shelter Monitoring Committee, subject to the fiscal and budgetary provisions of the Charter.

Supervisor Sandoval requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

Recommendation of the Land Use and Economic Development Committee

071672 [Public Works Code - Landmark Trees]
Supervisor McGoldrick

Ordinance amending Section 810 of the San Francisco Public Works Code to make clarifying changes, establish hearing notice provisions, and extend the term of temporary designation of nominated landmark trees; and making environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

080260 [Appointment, Planning Commission - Ryan Brooks]
Motion approving the Mayor's appointment of Ryan Brooks to the Planning Commission term ending June 30, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080261.)
Transmittal date - February 14, 2008.

The President informed the Board members that the Clerk of the Board was in receipt of a correspondence from the Mayor indicating that the nominee had withdrawn his application and therefore the Mayor was withdrawing his nomination.
President indicated that since the nomination was withdrawn there was nothing before them to consider.
FILED.

080261 [Appointment, Planning Commission - Ryan Brooks]
Motion rejecting the Mayor's appointment of Ryan Brooks to the Planning Commission term ending June 30, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080260.)
Transmittal date - February 14, 2008.

The President informed the Board members that the Clerk of the Board was in receipt of a correspondence from the Mayor indicating that the nominee had withdrawn his application and therefore the Mayor was withdrawing his nomination.
President indicated that since the nomination was withdrawn there was nothing before them to consider.
FILED.

080265 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion approving the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, for the term ending January 15, 2012. (Mayor)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 080266, 080267.)
Transmittal date - February 20, 2008.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080266 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion rejecting the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, for the term ending January 15, 2012. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 080265, 080267.)
Transmittal date - February 20, 2008.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080267 [Appointment, Public Utilities Commission - Francis X. Crowley]

Motion taking no position concerning the Mayor's appointment of Francis X. Crowley to the Public Utilities Commission, for term ending January 15, 2012. (Clerk of the Board)

(Charter Section 3.100-17 provides that the Board of Supervisors has the authority to reject the appointment by two-thirds vote of the Board (eight votes) within 30 days following transmittal of the Mayor's Notice of appointment, and that failure of the Board to reject the appointment by two-thirds vote within the thirty day period shall result in the appointee continuing to serve as appointed; companion measure to Files 080265, 080267.)
Transmittal date - February 20, 2008.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

080294 **[Confirming the re-appointment of London Breed to the San Francisco Redevelopment Agency]**
Mayor

Motion confirming the re-appointment of London Breed to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2011.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080295 **[Confirming the re-appointment of Darshan Singh to the San Francisco Redevelopment Agency]**
Mayor

Motion confirming the re-appointment of Darshan Singh to the San Francisco Redevelopment Agency for a four-year term ending September 3, 2011.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080302 **[Appointment, Mental Health Board - M. Lara Arguelles]**
Motion appointing M. Lara Arguelles, term ending January 31, 2010, to the Mental Health Board.

M. Lara Arguelles, succeeding Robert Douglas, term expired, seat 13, must be a family member, for the unexpired portion of a three-year term ending January 31, 2010.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Daly Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved to excuse Supervisor Daly at their request, because of possible conflict of interest, from voting. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

080270 **[Appointment, Small Business Commission - Michael O'Connor]**
Motion appointing Michael O'Connor, term ending January 6, 2012, to the Small Business Commission.

Michael O'Connor succeeding himself, term expired, seat 1, must be appointed by the Board of Supervisors. Must be an owner, operator, or officer of a San Francisco small business, for a four-year term ending January 6, 2012.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Daly

RECESS

At the hour of 3:04 p.m. the Board recessed. - The meeting was called to order at 4:01 p.m. On the call of the roll Supervisors Alioto-Pier, Chu, Daly, Ammiano, and McGoldrick were noted absent. - There was a quorum.

Supervisors Chu was noted present at 4:02 p.m.

Supervisor Daly was noted present at 4:05 p.m.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to the Junior League of San Francisco.

SPECIAL ORDER 3:30 P.M

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

Continued to April 29, 2008

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 5 - Alioto-Pier, Ammiano, Chu, Daly, McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the minor sidewalk encroachment permit appeal described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to April 29, 2008

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 5 - Alioto-Pier, Ammiano, Chu, Daly, McGoldrick

070969 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to April 29, 2008

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 6 - Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 5 - Alioto-Pier, Ammiano, Chu, Daly, McGoldrick

SPECIAL ORDER 4:00 P.M.

080250 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 9 Douglass Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated August 22, 2008, that a project at 9 Douglass Street (Building Permit Application No. 2007.01.11.1515, Case No. 2007.0306DD) is exempt from environmental review under the California Environmental Quality Act (CEQA). The proposed project would construct a vertical addition to the rear portion of a one-story-over-garage, single-family dwelling and a 4-foot horizontal rear addition located in a RH-2 (Residential House, One Family) District, and a 40-X Height and Bulk District (Assessor's Block 2623, Lot 047).
(Appellant: Stephen M. Williams)

(Filed 2/8/08; Companion measure to 080251; 080252; 080253; District 8.)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Hearing be TABLED. The motion carried by the following vote:

Ayes: 8 - Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 3 - Alioto-Pier, Ammiano, McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080251 **[Affirming the categorical exemption issued for the 9 Douglass Street project]**

Motion affirming the determination by the Planning Department that the 9 Douglass Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 3 - Alioto-Pier, Ammiano, McGoldrick

080252 **[Disapproving the categorical exemption issued for the 9 Douglass Street project]**

Motion disapproving the determination by the Planning Department that the 9 Douglass Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Maxwell, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 8 - Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 3 - Alioto-Pier, Ammiano, McGoldrick

080253 **[Preparation of findings related to the 9 Douglass Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 9 Douglass Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 8 - Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 3 - Alioto-Pier, Ammiano, McGoldrick

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Eugene Gordon Jr.; expressed concern with various issues
John Di Donna; expressed concern with various issues
Female speaker; expressed concern with public health budget cuts
Tensin Dasang expressed concern with human rights for Tibet citizens
Male speaker; expressed concern with human rights for Tibet citizens
Mr. Tauku; expressed concern with human rights for Tibet citizens
Male speaker (translated); expressed concern with human rights for Tibet citizens
Ti Ton Kun; expressed concern with human rights for Tibet citizens
Tsewang; expressed concern with human rights for Tibet citizens
Dhonyo; expressed concern with human rights for Tibet citizens
Thedo Tulku; expressed concern with human rights for Tibet citizens
Abdullah Megaheed; expressed concern with issues relating to the homeless and public health
Male speaker; expressed concern with issues relating to the homeless and public health
Eric Quan; expressed concern with human rights for Tibet citizens
Diane Johnson; expressed concern with budget cuts

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080352 **[Commending Emeric Kalman]**
Supervisors Elsbernd, Peskin

Resolution commending Emeric Kalman on his many years of service to his community and participation in local government.

ADOPTED

080353 [Commendation for Dr. Julianne Malveaux]
Supervisor Maxwell

Resolution commending Dr. Julianne Malveaux on her appointment as the 15th President of Bennett College for Women and proclaiming March 24, 2008 Dr. Julianne Malveaux day in San Francisco.

ADOPTED

080354 [Save Candlestick State Recreation Area]
Supervisor Maxwell

Resolution urging the California State Legislature to keep Candlestick State Recreation Area in the City of San Francisco open and allocate additional funding for the park to fulfill the general plan.

ADOPTED

080355 [Supporting University of California patient care and service employees in contract negotiations]
Supervisor Ammiano

Resolution supporting University of California low-wage patient care and service employees and the findings of Failing California's Communities: How the University of California's Low Wages Affect Surrounding Cities and Neighborhoods.

ADOPTED

080356 [Grant funds to support worker health and safety - $7,360]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $7,360 from the University of California, Berkeley for a project entitled "Worker Health and Safety in Chinatown Restaurants," for the period of September 1, 2007 through August 31, 2008.

ADOPTED

080357 [Approval of a 60 day extension for Planning Commission review]
Supervisor Alioto-Pier

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

ADOPTED

080358 [Urging the State to pay expenses for special election]
Supervisors Peskin, Chu

Resolution urging the California State Legislature to introduce and support legislation to pay for the expenses authorized and incurred in the preparation for and conduct of the special election proclaimed by the Governor, and the special primary election required by law, to fill the vacancy in the office of the Member of Congress from the 12th Congressional District.

Supervisor Chu requested to be added as a co-sponsor.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080334 **[Settlement of Lawsuit - CCSF v. Pacific Gas & Electric Company, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against PACIFIC GAS AND ELECTRIC CO., et al. on June 20, 2005, in San Francisco Superior Court, Case No. CGC-05-442416, entitled, CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation v. PACIFIC GAS & ELECTRIC CO., a corporation, STACY AND WITBECK/ESQUIVEL, a joint venture, STACY AND WITBECK, INC., a corporation, ESQUIVEL GRADING AND PAVING, INC., a corporation, BAUMAN LANDSCAPE, INC., a corporation, and DOES 1 to 25, inclusive. (City Attorney)

3/5/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

080332 **[Security Services Contract Approval -Guardsmark LLC]**

Resolution approving the contract between the City and County of San Francisco and the Guardsmark LLC to provide security services to the Human Services Agency for the period from May 1, 2008 to April 30, 2013, in the amount of $20,300,257. (Human Services Department)

3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080333 **[Ten Year Capital Expenditure Plan]**

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2009-2018. (City Administrator)

3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080371 **[Department of Human Resources contract for implementation services]**

Resolution approving the award and execution of a $13,563,250 29-month contract by the City and County of San Francisco, through its Department of Human Resources, to CIBER, Inc., for implementation services to integrate the City's human resources and payroll functions. (Human Resources Department)

3/10/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned the meeting at the hour of 4:10 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

69
125/08

Tuesday, March 25, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisor Alioto-Pier was noted absent.

There was a quorum present.

Supervisor Alioto-Pier was noted present at 3:08 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes for March 4, 2008. The motion carried by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Government Audit and Oversight Committee

080262 **[Approval of the Substance Abuse and Crime Prevention Act of 2000-Implementation Plan]**
Resolution authorizing adoption of the San Francisco County Plan for the Substance Abuse and Crime Prevention Act of 2000 for Fiscal Year 2007-2008. (Public Health Department)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

071672 **[Public Works Code - Landmark Trees]**
Supervisor McGoldrick

Ordinance amending Section 810 of the San Francisco Public Works Code to make clarifying changes, establish hearing notice provisions, and extend the term of temporary designation of nominated landmark trees; and making environmental findings.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

REGULAR AGENDA

UNFINISHED BUSINESS

From the Clerk

080387 **[Adopting findings related to affirming the categorical exemption issued for the 9 Douglass Street project]**

Motion adopting findings related to affirming the determination by the Planning Department that the 9 Douglass Street project is categorically exempt from environmental review under the California Environmental Quality Act.

APPROVED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Recommendations of the Government Audit and Oversight Committee

071518 **[Standards of Care for City Shelters]**
Supervisors Ammiano, Mirkarimi, Peskin, Daly, Maxwell, Sandoval

Ordinance amending the San Francisco Administrative Code by adding a new Article 13 to Chapter 20 to: 1) mandate certain provisions in all contracts for City funded shelters, 2) require the City to take corrective enforcement measures against City-funded shelter contractors who fail to comply with contractual provisions that this Article requires; 3) require the Shelter Monitoring Committee to investigate complaints against City funded-shelters, and 4) require the Director of the Department of Public Health to determine if the imposition of liquidated damages is warranted against shelters who fail to comply with a corrective action plan.

(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd
Absent: 1 - Alioto-Pier

080229 [Shelter Monitoring Committee]
Supervisors Ammiano, Peskin, Maxwell, Sandoval

Ordinance amending sections 20.302 of the San Francisco Administrative Code to require the Department of Public Health to assign two full-time employees to staff the Shelter Monitoring Committee, subject to the fiscal and budgetary provisions of the Charter.

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd
Absent: 1 - Alioto-Pier

Recommendation of the Rules Committee

080135 [Settlement of Lawsuit - Mark Chambers]

Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

Continued to April 1, 2008

Supervisor Chu, seconded by Supervisor McGoldrick, moved that this Ordinance be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080125 [Jurisdictional Property Transfer - Portions of Sue Bierman Park at Washington and Clay Streets (Block 0203, Lot 014)]

Ordinance transferring jurisdiction of reserved portions of Sue Bierman Park located at Washington and Clay Streets (Block 203, Lot 014) from the Department of Public Works to the Recreation and Park Department; and adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code. (Real Estate Department)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080141 **[Waiver of Administrative Code Section 6.64 to allow modification of Agreement No. CS-525A in an amount that exceeds one hundred-fifty percent of the original contract amount]**

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Section 6.64 to allow the contract amount of Agreement No. CS-525A with Olivia Chen Consultants to exceed one hundred-fifty percent of the original contract amount. (Public Utilities Commission)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080274 **[Approval of Health Service System Plans and Contribution Rates]**
Supervisor Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080275 **[Establishing monthly contribution amount to Health Service Trust Fund]**
Supervisor Elsbernd

Resolution establishing monthly contribution amount to Health Service Trust Fund.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080194 **[Reallocating state grant funds for capital projects in Golden Gate Park]**
Supervisor Alioto-Pier

Resolution authorizing reallocation of $11,928,060 in Proposition 40 grant funds among 14 capital projects in Golden Gate Park.

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080140 **[Airport Professional Services Agreement for Construction Management Services for the Terminal 2/Boarding Area D Project with Anticipated Expenditures in Excess of $10 Million]**

Resolution approving the Professional Services Agreement, Airport Contract 8757.9 – Construction Management Services for Terminal 2/Boarding Area D Renovations and Related Facilities between T2 Partners, a Joint Venture of Parsons Transportation Group, EPC Consultants, Inc., and the Allen Group, LLC, and the City and County of San Francisco, acting by and through its Airport Commission, in an amount not to exceed $15,000,000, pursuant to San Francisco Charter Section 9.118(b). (Airport Commission)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080346 **[Reserving $760,163 of Disability Access Projects for the Board of Supervisors Chamber in the City Administrator's Office for Fiscal Year 2007-08]**

Supervisor McGoldrick

Ordinance reserving $760,163 of Disablity Access Projects for the Board of Supervisors Chamber in the City Administrator's Office for Fiscal Year 2007-08.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

Supervisor Daly, seconded by Supervisor Mirkarimi, moved an amendment of the whole "De-Appropriating $760,163 of Capital Projects and Appropriating $944,470 for Behavioral and Mental Health and Chronic Care in the Public Health Department for Fiscal Year 2007-2008."

The motion to amend failed by the following vote:
Ayes: 4 - Daly, Mirkarimi, Peskin, Sandoval
Noes: 6 - Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick
Absent: 1 - Alioto-Pier

Supervisor Daly requested to be withdrawn as the sponsor of the amended legislation from the Budget & Finance Committee.
Supervisor McGoldrick requested to be added as the sponsor of the amended legislation from the Budget & Finance Committee.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Chu, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Ammiano, Daly, Dufty, Mirkarimi
Absent: 1 - Alioto-Pier

From the Budget and Finance Committee Without Recommendation

080150 [Approving Amendment to Paratransit Broker Agreement with ATM/Vancom]
Supervisor Alioto-Pier

Resolution approving Amendment No. 7 to Agreement between the City and County of San Francisco and ATC/Vancom, Inc., to extend the current contract for two years, through March 31, 2010; to augment the scope of work to implement the new debit card program; to lease up to 40 new vans to the Paratransit Broker for use in the Paratransit Program; and to increase the contract amount by $33,803,476, for a total contract amount not to exceed $191,825,015.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Recommendation of the Government Audit and Oversight Committee

080318 [Mortgage Revenue Bonds - Geary Boulevard Senior Living and Health Center]
Supervisor McGoldrick

Resolution declaring the intent of the City and County of San Francisco (the "City") to reimburse certain expenditures from proceeds of future bonded indebtedness; authorizing the Director of the Mayor's Office of Housing (the "Director") to submit an application and related documents to the California Debt Limit Allocations Committee ("CDLAC") to permit the issuance of qualified mortgage revenue bonds in an aggregate principal amount not to exceed $38,000,000 for Geary Boulevard Senior Living and Health Center; authorizing and directing the Director to direct the Controller's Office to hold in trust an amount not to exceed $190,000 in accordance with CDLAC procedures; authorizing the Director to certify to CDLAC that the City has on deposit the required amount; authorizing the Director to pay an amount equal to such deposit to the State of California if the City fails to issue the qualified mortgage revenue bonds; approving, for purposes of the Internal Revenue Code of 1986, as amended, the issuance and sale of mortgage revenue bonds by the City in an aggregate principal amount not to exceed $38,000,000; authorizing and directing the execution of any documents necessary to implement this Resolution; and ratifying and approving any action heretofore taken in connection with the Project (as defined herein) and the Application (as defined herein).

ADOPTED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

Recommendations of the Land Use and Economic Development Committee

031034 [Planning Code - Northeast Waterfront Historic District Signs]
Supervisor Peskin

Ordinance amending the Planning Code by creating Section 608.15 to establish the Northeast Waterfront Special Sign District, creating Section 609.14 to address amortization of nonconforming signs in this District, amending Section 608 and Article 10, Appendix D, Section 7 to be consistent with this Ordinance, amending the Zoning Map Sectional Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

071651 [Planning - Administrative Enforcement Remedies]
Supervisors Sandoval, Maxwell, Peskin

Ordinance amending the San Francisco Planning Code by amending Section 176 to authorize the Zoning Administrator to assess administrative penalties for a Planning Code violation; adding Section 176.1 to establish Planning Code enforcement remedies of the Director, which include issuance and recording of orders of abatement, assessment of administrative penalties, and a hearing and appeal process; amending Sections 1013 and 1119 to refer to Sections 176 and 176.1 as the applicable enforcement and penalty provisions; adopting findings including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Peskin requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

SPECIAL ORDER 4:00 P.M.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member wished to address the Board members.
Continued to April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 [Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 [Preparation of findings related to the 3424 Jackson Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to April 22, 2008

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

080326 [Confirmation of Controller - Ben Rosenfield]

Mayor

Motion confirming appointment of Ben Rosenfield as Controller.

APPROVED by the following vote:

Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080231 [Driving-experience requirements for taxi medallion applicants]
Supervisors Daly, Dufty, Ammiano

Ordinance amending the San Francisco Police Code by amending Section 1121, to adjust the driving-experience requirements for taxi medallion applicants.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

080317 [Accept and Expend CEC PIER Grant Funds - $995,791]
Supervisor Chu

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a California Energy Commission (CEC) Public Interest Energy Research (PIER) Grant in the amount of $995,791.

ADOPTED by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Alioto-Pier

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library Eugene Gordon, Jr.; expressed concern with issues relating to the violation of human rights
Richard McCree; expressed concern with issues relating to his patent for Sigmund Stern Grove
Peter Warfield; showed interest with the Freedom of Information award and issues relating to the SF Library issues
Mary Chin; expressed concern with issues relating to the Human Rights Torch for the Olympics
Joe Eng; expressed concern with issues relating to the Chinese brutality occurring in Tibet
Abdullah Megaheed; expressed concern with issues relating to the Iraq war
Male speaker;
Female speaker; expressed concern with issues of Falun Gong persecution
Male speaker; expressed concern with issues relating to the spraying of pesticides
Female speaker; expressed concern with issues relating to Falun Gong persecution in China
Bonnie Kirkland; expressed concern with issues relating to the spraying of pesticides
Female speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
Male speaker; expressed concern with issues relating to the violation to the human rights in China
Female speaker; expressed concern with issues relating to the issues relating to the Falun Gong persecution in China
Male speaker; expressed concern with issues relating to the violation of human rights in China
Jasmine Eng; expressed concern with issues relating to the violation of human rights in China
Female speaker; expressed concern with issues relating to the violation of human rights in China
Male speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
Female speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
Walter; shared in song memorabilia of SF
Female speaker; expressed concern with issues relating to lay off notices received by teachers
Student; expressed concern with issues relating to lay off notices received by teachers
Hannah; expressed concern with issues relating to lay off notices received by teachers
Female speaker; expressed concern with issues relating to lay off notices received by teachers
Student; expressed concern with issues relating to lay off notices received by teachers
Parent; expressed concern with issues relating to lay off notices received by teachers
Parent; expressed concern with issues relating to lay off notices received by teachers
Sue England; expressed concern with issues relating to the lay off notices received by teachers
Female speaker; expressed concern with issues relating to the lay off notices received by teachers
Parent; expressed concern with issues relating to the lay off notices received by teachers
Female speaker; expressed concern with issues relating to the violation of human rights in China
Dr. Sandarian; expressed concern with issues relating to the Falun Gong persecution in China and the violation of human rights
Female speaker; expressed concern with issues relating to the Human Rights Torch for the Olympics
Male speaker; expressed concern with issues relating to the spraying of pesticides
Gene; expressed concern with issues relating to the Olympics to be held in China

Female speaker; expressed concern with issues relating to the violation of human rights in China
Female speaker; expressed concern with issues relating to the violation of human rights in China
Female speaker; expressed concern with issues relating to the violation of human rights in China
Jack; expressed concern with issues relating to the spraying of pesticides and requested to post the route of the human Rights Olympic Torch
Alan White; expressed concern with issues relating to the Human Rights Olympic Torch and to the violation of human rights in China

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080381 [Resolution commending Susan Leal on her 15 years of dedicated service to the citizens of the City and County of San Francisco]
Supervisors Dufty, Ammiano, Peskin, Maxwell, Chu, Elsbernd, Alioto-Pier, Sandoval, Mirkarimi, Daly, McGoldrick

Resolution commending Susan Leal on her 15 years of dedicated service to the citizens of the City and County of San Francisco.

ADOPTED

080382 [Supporting storm water runoff requirements for federal development projects]
Supervisors Alioto-Pier, Ammiano, Dufty, Mirkarimi

Resolution supporting the storm water runoff requirements for federal development projects.

ADOPTED

080383 [Condemning Oklahoma State Representative Sally Kerns' remarks directed toward the LGBT community]
Supervisors Ammiano, Dufty

Resolution condemning Oklahoma State Representative Sally Kerns' remarks regarding the LGBT community.

ADOPTED

080384 [Gift of Funds to Office of Labor Standards Enforcement - $33,892.65]
Supervisors Maxwell, Peskin

Resolution authorizing the Office of Labor Standards Enforcement to accept and expend a gift in the amount of $33,892.65 pursuant to the settlement agreement in Aubrey et al. v. Marriott International, Inc. et al. for the purpose of enforcement of the San Francisco Minimum Wage.

ADOPTED

080385 [Commending Breathe California Golden Gate Public Health Partnership]
Supervisor Maxwell

Resolution recognizing Breathe California on its 100th anniversary of continuous service to the Bay Area community. Since 1908, Breathe California has been fighting lung disease through prevention, education, advocacy and patient services.

ADOPTED

080386 [Commending California Institute of Asian Studies]
Supervisor Maxwell

Resolution commending California Institute of Asian Studies and proclaiming April 8, 2008 as California Institute of Integral Studies Day in San Francisco.

ADOPTED

080360 [Final Map - 75 Moss Street]

Motion approving Final Map 4617, a 14 Unit Residential Condominium Project, located at 75 Moss Street being a subdivision of Lot 058 in Assessors Block No. 3731 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,441; District 6.)

APPROVED

080361 [Final Map - 942 Market Street]

Motion approving Final Map 4177, a 32 Residential Unit and a 3 Commercial Unit Mixed-Use Condominium Project, located at 942 Market Street being a subdivision of Lot 005 in Assessors Block No. 0341 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,442; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080338 [Zoning Map Amendments in connection with the Bayview Hunters Point Area Plan]

Ordinance amending Zoning Map Sheets 8, 9, 10, and 10 SU of the City and County of San Francisco Planning Code to replace various M-1 and M-2 zones with PDR-1, PDR-2, and special use district designations in the South Basin and Northern Industrial areas of the Bayview Hunters Point Study Area, consistent with the Bayview Hunters Point Area Plan; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

3/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/28/2008.

080339 **[Bayview Rezoning]**

Ordinance amending the Planning Code by adding Sections 121.5, 121.7, 210.7, 210.8, 210.9, 230 and 249.32 and amending Sections 204.3, 204.4, 210, 210.6, and 213 through 227 to create a new Design and Development Special Use District and modify the existing M (Industrial) Districts to establish PDR-1 (Light Industrial Buffer) and PDR-2 (Production, Distribution and Repair) Districts and specify the use controls for activities in the PDR Districts, which generally will principally permit light manufacturing, wholesale and repair activities, prohibit or require a conditional use permit for heavy industry, prohibit housing, limit the size of retail and office uses, place controls on subdivision of large lots, provide accessory use guidelines and regulate the demolition of industrial buildings. (Planning Department)

3/12/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 4/28/2008.

PROPOSED RESOLUTIONS

080337 **[Authorizing the Sheriff to execute contracts with the State]**

Resolution authorizing the Sheriff's Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) for the care and confinement of inmates/parolees while pending probable cause determination, revocation of parole or being returned to custody. (Sheriff)

3/11/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080362 **[Amending a contract with anticipated expenditures in excess of $10 million]**

Resolution approving the Eleventh Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, extending the term of the contract by one year to May 31, 2009 and increasing the total compensation to the Contractor by $3 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

3/14/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080363 **[Professional services agreement to provide professional engineering services]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $1,900,000, for a total revised agreement amount of $13,900,000. (Public Utilities Commission)

3/17/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:30 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, April 1, 2008 2:00 PM

90
#L9
4/1/08

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

APR - 3 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisors Dufty, Maxwell and McGoldrick were noted absent.

There was a quorum present.

Supervisors Dufty and Maxwell were noted present at 2:04 p.m.
Supervisor McGoldrick was noted present at 2:09 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved to approve the March 11, 2008 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMUNICATIONS

Angela Calvillo, Clerk of the Board informed the Board that she was in receipt of a communication from the Mayor indicating that he was vetoing legislation contained in File No. 080196. appropriating $246,000 to Department of Human Resources for the Workers' Compensation Clinic.

This matter will be agendized at the April 8, 2008 Board meeting for Board action.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

080125 [Jurisdictional Property Transfer - Portions of Sue Bierman Park at Washington and Clay Streets (Block 0203, Lot 014)]

Ordinance transferring jurisdiction of reserved portions of Sue Bierman Park located at Washington and Clay Streets (Block 203, Lot 014) from the Department of Public Works to the Recreation and Park Department; and adopting findings that the transfer is consistent with the General Plan and Section 101.1 of the Planning Code. (Real Estate Department)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080141 [Waiver of Administrative Code Section 6.64 to allow modification of Agreement No. CS-525A in an amount that exceeds one hundred-fifty percent of the original contract amount]

Ordinance granting the San Francisco Public Utilities Commission a waiver of Administrative Code Section 6.64 to allow the contract amount of Agreement No. CS-525A with Olivia Chen Consultants to exceed one hundred-fifty percent of the original contract amount. (Public Utilities Commission)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080274 [Approval of Health Service System Plans and Contribution Rates]
Supervisor Elsbernd

Ordinance amending Chapter 16, Article XV, of Part 1 of the San Francisco Municipal Administrative Code by amending Section 16.703 regarding Board approval of Health Service System Plans and Contribution Rates.

(Fiscal Impact.)

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the City Operations and Neighborhood Services Committee

080313 [Grant to support the National HIV Behavioral Surveillance project - $418,225]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a new grant from the Centers for Disease Control (CDC) in the amount of $418,225 to support the "National HIV Behavioral Surveillance" project, and to enter into a subcontract with the Public Health Foundation Enterprises (PHFE) in the amount of $53,723; for the period of January 1, 2008 through December 31, 2008.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080314 [Grant funds to support HIV vaccine trials - $156,895]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement and to accept and expend funds in the amount of $156,895, with the Fred Hutchinson Cancer Research Center (FHCRC), the primary contractor, to support the San Francisco HIV Vaccine Trials Network (VTN) Leadership Group/Public Health Foundation Enterprises (PHFE); for the period of June 1, 2007 through May 31, 2008.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080315 [Grant funds to support HIV vaccine trials - $126,989]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to enter retroactively into an agreement and to accept and expend funds in the amount of $126,989, with the Fred Hutchinson Cancer Research Center (FHCRC), the primary contractor, to support the San Francisco HIV Vaccine Trial Network 40% Transition Costs; for the period of June 1, 2007 through December 31, 2007.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080316 [Accept and Expend Regional Grant - Department of the Environment - $157,500]
Supervisor Chu

Resolution authorizing the Department of the Environment (SF Environment) to accept and expend grant funds, in the amount of $157,500 from the Bay Area Air Quality Management District (BAAQMD) to assist taxi companies with grant funding to help them offset the incremental costs associated with the purchase of 75 light-duty clean air vehicle taxis.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080347 [Accept and Expend Department of Water Resources (DWR) Water Use Efficiency Grant Funds - $200,000]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a Department of Water Resources (DWR) Water Use Efficiency Grant in the amount of $200,000.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

031034 [Planning Code - Northeast Waterfront Historic District Signs]
Supervisor Peskin

Ordinance amending the Planning Code by creating Section 608.15 to establish the Northeast Waterfront Special Sign District, creating Section 609.14 to address amortization of nonconforming signs in this District, amending Section 608 and Article 10, Appendix D, Section 7 to be consistent with this Ordinance, amending the Zoning Map Sectional Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

071651 [Planning - Administrative Enforcement Remedies]
Supervisors Sandoval, Maxwell, Peskin

Ordinance amending the San Francisco Planning Code by amending Section 176 to authorize the Zoning Administrator to assess administrative penalties for a Planning Code violation; adding Section 176.1 to establish Planning Code enforcement remedies of the Director, which include issuance and recording of orders of abatement, assessment of administrative penalties, and a hearing and appeal process; amending Sections 1013 and 1119 to refer to Sections 176 and 176.1 as the applicable enforcement and penalty provisions; adopting findings including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Public Safety Committee

080154 [Accept-Expend Federal Grant - Airport Commission - $849,126]
Supervisor Elsbernd

Resolution authorizing the Airport Commission to accept and expend funding in a total amount of $849,126 from the Transportation Security Administration ("TSA") for the Airport K-9 Explosives Detection Team Program.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080276 [Accept-Expend Grant, Mayor's Office of Criminal Justice (MOCJ) - $287,150]
Supervisor Elsbernd

Resolution authorizing the Mayor's Office of Criminal Justice (MOCJ) to retroactively accept and expend a grant in the amount of $287,150 from the California Corrections Standards Authority for the purpose of enhancing the capacity of San Francisco to implement an effective continuum of response to juvenile crime and delinquency.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

080231 [Driving-experience requirements for taxi medallion applicants]
Supervisors Daly, Dufty, Ammiano, Mirkarimi

Ordinance amending the San Francisco Police Code by amending Section 1121, to adjust the driving-experience requirements for taxi medallion applicants.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080303 [Appointment - Asthma Task Force]
Motion appointing Amy Dietz, term ending July 1, 2008, to the Asthma Task Force.

Amy Dietz, succeeding Barbara Conner Andersen, seat 15, resigned, must be an individual who represents health care professions working with asthmatics and is a voting member, for the unexpired portion of a two-year term ending July 1, 2008.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080375 [Appointment - Small Business Commission]
Motion appointing Janet Clyde, term ending January 6, 2012, to the Small Business Commission.

Janet Clyde, succeeding Jordanna Thigpen, term expired, seat 3, must be appointed by the Board of Supervisors. May be a member of the public, and may be either a current or former owner, operator or officer of a San Francisco small business. May be an officer or representative of a neighborhood economic development organization or an expert in small business finance, for a four-year term ending January 6, 2012.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080374 [Appointment - Peak Oil Preparedness Task Force]
Motion appointing Richard Katz and Franz Cheng, for unexpired portion of terms ending October 5, 2008, to the Peak Oil Preparedness Task Force, residency requirement waived.

Richard Katz, succeeding Carl Duisberg, resigned, seat 2, must represent the public at large, for the unexpired portion of a one-year term ending October 5, 2008.
Franz Cheng, succeeding Marya Stark, resigned, seat 6, must represent the public at large, for the unexpired portion of a one-year term ending October 5, 2008.

APPROVED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

080346 [Reserving $760,163 of Disability Access Projects for the Board of Supervisors Chamber in the City Administrator's Office for Fiscal Year 2007-08]
Supervisor McGoldrick

Ordinance reserving $760,163 of Disablity Access Projects for the Board of Supervisors Chamber in the City Administrator's Office for Fiscal Year 2007-08.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

FINALLY PASSED by the following vote:
Ayes: 8 - Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Ammiano, Dufty

Recommendation of the Rules Committee

080135 [Settlement of Lawsuit - Mark Chambers]
Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080284 [Bond Sale of Branch Library General Obligation Bonds]
Mayor, Supervisors Peskin, Alioto-Pier

Resolution authorizing and directing the sale of not to exceed $31,065,000 City and County of San Francisco General Obligation Bonds (Branch Library Facilities Improvement Bonds, 2000) Series 2008A; Prescribing the Form and Terms of Said Bonds; Authorizing the Execution, Authentication and Registration of Said Bonds; Providing for the Appointment of Depositories and Other Agents for Said Bonds; Providing For the Establishment of Accounts Related Thereto; Approving the Forms of Official Notice of Sale and Notice of Intention to Sell Bonds; Directing the Publication of the Notice of Intention to Sell Bonds; Approving the Form and Execution of the Official Statement Relating Thereto; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications to Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority to City Officials to Take Necessary Actions in Connection with the Authorization, Issuance, Sale and Delivery of Said Bonds.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

080369 [Directing the Office of Legislative Analyst to process suggestions by City employees on reducing or eliminating City expenditures]
Supervisor McGoldrick

Motion directing the Office of Legislative Analyst to process suggestions by City employees on reducing or eliminating City expenditures and creating efficiencies and reporting their recommendations to the Budget and Finance Committee.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

080238 [Appropriating $261,757,569 of San Francisco Water Revenue Bonds for the San Francisco Public Utilities Commission Water System Improvement Program for Fiscal Year 2007-08]
Mayor

Ordinance appropriating $257,205,000 of San Francisco Water Revenue Bonds, 2006 Series A, and deappropriating $4,552,569 of Sunol Valley Water System Improvement Projects to support various projects under the Water System Improvement Program (WSIP) in the Public Utilities Commission for FY 2007-08.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

Recommendations of the City Operations and Neighborhood Services Committee

080089 [Suspending Health Code Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance]
Supervisor Alioto-Pier

Ordinance amending the San Francisco Health Code by adding Section 34.10, to suspend Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

080345 [Welcoming Beijing 2008 Olympic Torch, Tibetan Freedom Torch, and Global Human Rights Torch Relay]

Resolution welcoming the Beijing 2008 Olympic Torch, the Tibetan Freedom Torch and the Global Human Rights Torch to San Francisco and urging City Representatives accepting the Beijing 2008 Olympic Torch to welcome the Torch in the true spirit of the Olympics, consistent with the United Nations Charter established in this City, and the United Nations Universal Declaration of Human Rights.

Supervisor Sandoval, seconded by Supervisor Daly, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

From the City Operations and Neighborhood Services Committee Without Recommendation

Supervisor Dufty Excused From Voting

Supervisor Ammiano, seconded by Supervisor Maxwell, moved to excuse Supervisor Dufty, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071489 [Opposing closure of St. Luke's Hospital]
Supervisors Mirkarimi, Ammiano, Maxwell

Resolution opposing the plans of Sutter Health to cease operations at St. Luke's Hospital, requesting City Departments to identify pending applications sought in furtherance of such closure and report such applications; and requesting the City Attorney to investigate the actions taken by Sutter Health and initiate proceedings, if warranted, under relevant statutes.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Supervisor Alioto-Pier moved to continue this matter be continued to July 8, 2008.
Motion to continue this matter failed for lack of a second.

Supervisor Daly requested to be added as a co-sponsor.

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - Dufty

Recommendation of the Land Use and Economic Development Committee

080351 **[Changing the official sidewalk width - Mission Street]**
Mayor

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1578 to change the official sidewalk width on the north side of Mission Street west of 3rd Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving a public access easement for a portion of Jessie Square.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Ed Harrington in recognition of his service to the City and County of San Francisco as the Controller.
Board members also expressed their appreciation to Ed Harrington.

COMMITTEE REPORTS

080391 **[Commending Tibetan Freedom Torch and Global Human Rights Torch Relay]**
Supervisors Daly, Ammiano, Mirkarimi

Resolution commending the Tibetan Freedom Torch and the Global Human Rights Torch Relay in their efforts to raise awareness regarding human rights violations in China and urging the San Francisco City Representatives accepting the Beijing 2008 Olympic Torch to welcome the Torch in the explicit spirit of Olympism, consistent with the United Nations Charter established in this City, and the United Nations Universal Declaration of Human Rights.

ADOPTED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Peter Warfield; expressed concern with issues relating to the SF Public Library
Eugene Gordon, Jr.; expressed concern with issues relating to the violations of human rights
Starchild; expressed concern with issues relating to the route to be used in torch relay and budget issues
Abdullah Megaheed; expressed concern issues relating to the Mayor and the homeless conditions in San Francisco
Dr. Porter; expressed issues with relating to regulations on 19th Avenue and automobile congestion
Alma Jean Caldwell; expressed concern with issues relating to the homeless conditions
John di Donna; expressed concern with issues relating to the violation of gay human rights
Diane Wesley Smith; expressed concern with issues relating to the Bay View Hunter's Point
Male speaker; expressed concern with issues relating to the human rights
Walter; shared with Board members various memorabilia
Idel Wilson; expressed concern issues with relating to Channel 29
Female speaker; expressed concern issues relating to living conditions in El Salvador
Male speaker; expressed concern with issues relating to human rights

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080410 [Summerbridge at San Francisco University High School Day]
Supervisor Alioto-Pier

Resolution declaring Thursday, March 27, 2008 Summerbridge at San Francisco University High School Day.

ADOPTED

080411 [Supporting public access to information regarding the Olympic torch route]
Supervisors Ammiano, Mirkarimi, Daly

Resolution supporting public access to information regarding the Olympic torch route through San Francisco.

ADOPTED

080412 [Mortgage Credit Certificates]
Supervisor Chu

Resolution authorizing an application to the California Debt Limit Allocation Committee to permit the issuance of Mortgage Credit Certificates.

ADOPTED

080413 [Commending Asian Chefs Foundation]
Supervisor Chu

Resolution commending Asian Chefs Foundation in the fight against human trafficking.

ADOPTED

080414 [Extending the life of Western SoMa Citizens Planning Task Force]
Supervisor Daly

Resolution extending the life of the Western SoMa Citizens Planning Task Force.

ADOPTED

080415 [19th Avenue corridor speed limit reduction]
Supervisor Elsbernd

Resolution urging the MTA to support Caltrans' recommendation to lower the speed limit along the 19th Avenue corridor from 35 mph to 30 mph.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080416 [Ed Harrington Day]
Supervisor Peskin

Resolution commending Controller Ed Harrington for 17 years of exemplary service to the City and County of San Francisco.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080417 [National Start! Walking Day]
Supervisor Peskin

Resolution proclaiming April 16, 2008 as "National Start! Walking Day" in San Francisco.

ADOPTED

080418 [Endorsing solar powered parking meters]
Supervisor Mirkarimi

Resolution endorsing the use of solar powered parking meters.

ADOPTED

080421 **[Commending the Latino Community Foundation on the occasion of their Third Annual Gala and for their new Latino Children and Youth Initiative]**
Supervisor Sandoval

Resolution commending the Latino Community Foundation on the occasion of their Third Annual Gala and for their new Latino Children and Youth Initiative.

ADOPTED

080422 **[Memorializing the one-year anniversary of the death of Ruby Ordeñana]**
Supervisor Sandoval

Resolution memorializing the one-year anniversary of the death of Ruby Ordeñana.

ADOPTED

080419 **[Amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst]**
Supervisors Peskin, Mirkarimi

Motion amending the FY 2007-2008 schedule of audits to be conducted of programs of City and County departments by the Budget Analyst to include an audit of the Communities of Opportunity (COO) program.

APPROVED

080420 **[Waiver permitting City Employees to assist the Department of Elections with the April 8, 2008 election]**
Supervisor Peskin

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the April 8, 2008 election.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

080392 [Approval of the amendment of the Mental Health Services Act (MHSA) Agreement]

Resolution approving the amendment of the MHSA Agreement to include the MHSA Housing budget of $9,877,600 comprised of the MHSA Housing allocation of $7,714,400 and One-Time Augmentation to the MHSA Community Services and Supports of $2,163,200 and the assignment of these funds to CalHFA for investing in appropriate investment vehicles, underwriting of capital loans, determination of operating subsidies, disbursement of funds to approved housing developments, and continued monitoring of the project development. (Public Health Department)

3/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080393 [Street Artist Winter Holiday Spaces]

Resolution approving continuous designation of temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for each year's winter holiday season, beginning on November 15 and ending on January 15. (Arts Commission)

3/18/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080394 [Apply For-Accept-Expend Federal Funding - Community Development Block Grant]

Resolution approving the 2008/09 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2008/09 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) together with Program Income and Reprogrammed Funds, totaling $22,617,052. (Mayor)

3/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080395 [Apply For-Accept-Expend Federal Funding - Emergency Shelter Grants Program]

Resolution approving the 2008/09 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2008/09 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $944,908. (Mayor)

3/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080396 [Apply For-Accept-Expend Federal Funding - HOME Program]

Resolution approving the 2008/09 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2008/09 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD) together with Reprogrammed Funds, totaling $7,740,804. (Mayor)

3/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080397 [Agreement to Purchase Property in Tuolumne County]

Resolution approving and authorizing an agreement for the purchase of approximately 39 acres of unimproved land near Moccasin in Tuolumne County, for the protection of water quality for a purchase price of $376,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

3/24/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:00 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

5 9
#69
4/8/08

Tuesday, April 8, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim. Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

APR 11 2008

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PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m.

On the call of the roll all members were present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved to approve the March 18, 2008 minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080238 [Appropriating $261,757,569 of San Francisco Water Revenue Bonds for the San Francisco Public Utilities Commission Water System Improvement Program for Fiscal Year 2007-08]
Mayor

Ordinance appropriating $257,205,000 of San Francisco Water Revenue Bonds, 2006 Series A, and deappropriating $4,552,569 of Sunol Valley Water System Improvement Projects to support various projects under the Water System Improvement Program (WSIP) in the Public Utilities Commission for FY 2007-08.

(Fiscal Impact.)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

080089 **[Suspending Health Code Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance]**
Supervisor Alioto-Pier

Ordinance amending the San Francisco Health Code by adding Section 34.10, to suspend Sections 34.4 and 34.6 of the Healthy Products, Healthy Children Ordinance.

FINALLY PASSED

Recommendation of the Land Use and Economic Development Committee

080351 **[Changing the official sidewalk width - Mission Street]**
Mayor

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1578 to change the official sidewalk width on the north side of Mission Street west of 3rd Street; making environmental findings and findings pursuant to the General Plan and Planning Code Section 101.1; requiring relocation, modification, or both of facilities affected by the sidewalk width change; and approving a public access easement for a portion of Jessie Square.

FINALLY PASSED

Recommendation of the Rules Committee

080135 **[Settlement of Lawsuit - Mark Chambers]**
Ordinance authorizing settlement of the class action lawsuit entitled Chambers v. City and County of San Francisco, filed on October 11, 2006 in the United States District Court for the Northern District of California, Case No. C06-06346 WHA. Pursuant to the proposed settlement, the City will enhance community-based housing and services for residents of Laguna Honda Hospital and for other San Franciscans who would benefit from long-term community-based care. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

080196 **[Appropriating $246,000 of General Fund Reserve to the Human Resources Department to fund the Workers' Compensation Clinic at San Francisco General Hospital]**
Supervisors Mirkarimi, Ammiano, Daly

Ordinance appropriating $246,000 from the General Fund Reserve to the Human Resources Department to fund the Workers' Compensation Clinic at San Francisco General Hospital for Fiscal Year 2007-2008.

(Supervisors Elsbernd and Chu dissented in committee.)
(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

Motion to override the Mayor's Veto passed by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080299 **[Airport Concession Lease with Pacific Gateway Concessions, LLC]**

Resolution approving the Boarding Area "E" Candy Kiosk Lease between Pacific Gateway Concessions, LLC, and the City and County of San Francisco, acting by and through its Airport Commission. (Airport Commission)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080371 **[Department of Human Resources contract for implementation of services]**

Resolution approving the award and execution of a $13,563,250 29-month contract by the City and County of San Francisco, through its Department of Human Resources, to CIBER, Inc., for implementation services to integrate the City's human resources and payroll functions. (Human Resources Department)

(Supervisors Daly and Mirkarimi dissented in committee.)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Daly, Mirkarimi

Recommendations of the Land Use and Economic Development Committee

Supervisor Dufty Excused From Voting

Supervisor Chu, seconded by Supervisor McGoldrick, moved to excuse Supervisor Dufty from voting on File Nos. 071001, 071002, and 080319. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071001 [Zoning Map Amendments Associated with the Laguna, Haight, Buchanan and Hermann Streets Special Use District]
Supervisor Ammiano

Ordinance amending Section Maps 7, 7H and 7SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Blocks 857 and portions of Assessor's Block 870, bounded by Laguna, Buchanan, Haight and Hermann Streets, from P (Public) to either NC-3 (Moderate-Scale Neighborhood Commercial District) or RM-3 (Residential, Mixed Districts, Medium Density) and mapping the Laguna, Haight, Buchanan and Hermann Streets Special Use District; adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

04/08/08 - Amended on page 2, line 6, after the words "Quality Act Findings," by adding the following "and dated April 8, 2008"; further amended on page 2, line 7, by replacing "File 080211" with "File 071001".

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071002 [Laguna, Haight, Buchanan and Hermann Streets Special Use District]
Supervisors Mirkarimi, Ammiano

Ordinance approving the Laguna, Haight, Buchanan, and Hermann Streets Special Use District (SUD) by amending the San Francisco Planning Code by adding Section 249.32 to create a new SUD bounded by Laguna, Haight, Buchanan and Hermann Streets (Assessor's Blocks 857 and portions of Assessor's Block 870) to permit a mixed-use project at the former UC Berkeley Extension property; and adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

PASSED, ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Supervisors Daly and Dufty Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved to excuse Supervisors Daly and Dufty from voting on File Nos. 071157 and 071159. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071157 [Planning Code Amendments to implement the Market and Octavia Area Plan]
Supervisors Mirkarimi, McGoldrick

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of $8 in the Van Ness Market Special Use District, $4 in the Neighborhood Commercial Transit (NCT) district, and $0 in the Transit-Oriented Residential (RTO) district; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying $30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights (TDRs); and providing that projects may further exeed FAR limits above a site FAR of 9:1 by paying $15 per additional gross square foot into the Van Ness and Market Neighborhood Infrastructure Fund; Section 249.34 to establish the Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of $10 per square foot for certain new residential and $4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of $9 per square foot for transit impacts from residential development and $5 per square foot for impacts from new parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncodified Section 4 adopting procedures for treatment of historic resources in the Plan

Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071159 [Zoning Map Amendment in connection with the Market and Octavia Area Plan]
Supervisor Mirkarimi

Ordinance amending Zoning Map Sheets 2, 2H, 2SU and 7, 7H, and 7SU of the City and County of San Francisco Planning Code to eliminate use districts and height and bulk districts within the Market and Octavia Plan Area; replacing them with revised use districts, height and bulk districts, and special use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071464 [Zoning - Ordinance Creating the Excelsior Alcohol Restricted Use District]
Supervisors Sandoval, Peskin

Ordinance amending the San Francisco Planning Code by adding Section 785 to create an Excelsior Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; amending Sectional Maps SU 11 and SU 12 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Excelsior Alcohol Restricted Use District, which generally consist of the blocks and lots fronting both sides of Mission Street from Silver Avenue to the Daly City border; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080237 [Zoning -Urgency Ordinance imposing an interim zoning moratorium on enterprises that sell tobacco paraphernalia]
Supervisor Sandoval

Urgency Ordinance imposing an interim zoning moratorium to temporarily prohibit the establishment of new enterprises, subject to specified exceptions, that sell tobacco paraphernalia, as defined, in all Commercial, Mixed Use and Industrial districts for 45 days and making findings, including findings of consistency with the Priority Policies of Planning Code Section 101.1 and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080319 [General Plan Amendments for Assessors Block 857 and portions of Assessors Block 870 bound by Laguna, Haight, Buchanan and Hermann Streets]
Supervisors Mirkarimi, Ammiano

Ordinance amending the Market and Octavia Area Plan of the San Francisco General Plan to (1) reclassify the Use District on Block 857 from Public to Moderate Density Residential and reclassify the Use District on Block 870, Lots 1, 2 and the northern portion of Lot 3 from Public to Moderate Density Neighborhood Commercial; (2) amending the Market and Octavia Area Plan of the San Francisco General Plan to reclassify the Height District for Block 857, Lot 1A from 40 feet to 50 feet and to reclassify the Height District for Block 870, Lots and 1 and 2 from 80 feet to 85 feet and Block 870, Lot 3 from 40 feet to 50 feet; (3) amending the Generalized Residential Land Use Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the generalized land use of Block 857 from Public/Open Space to Residential and of Block 870 from Public/Open Space to Mixed Use, predominantly Commercial/Industrial; (4) amending the Residential Density Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the residential density of Blocks 857 and 870 from Public and Heavy Industrial Areas to Moderately High Density; (5) adopting findings pursuant to the California Environmental Quality Act; and (6) adopting findings that the General Plan amendments are consistent with the eight priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080210 **[Stipulation of Conditional Use authorization or Mandatory Discretionary Review of any permit application to remove dwelling units, where the Planning Code does not already require Conditional Use authorization]**

Ordinance amending the Planning Code by adding Section 317 to stipulate Conditional Use or Mandatory Discretionary Review of any Building Permit applications that would eliminate existing dwelling units through mergers, conversions, or demolitions of residential units, and requiring certain affordability and soundness findings, with certain administrative exceptions allowed; making findings as to the need to preserve affordable housing in San Francisco, environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Peskin introduced, welcomed and presented Certificates of Honor to Jeff Gunderson, Stephen Cartright, John Conway, Thomas Hunt, and Alan Brooks in recognition of their efforts in saving the life of a homeless man.

Supervisor Ammiano introduced, welcomed and presented a Certificate of Honor to the volunteers of Prisoners Literature Project.

Supervisors Elsbernd and Maxwell introduced, welcomed and presented Certificates of Honor to members of the Sacred Heart Cathedral Preparatory Girls Basketball Team and their coach for winning the California State Basketball Championship.

COMMITTEE REPORTS

080263 **[Lease of Real Property at 1740 Cesar Chavez Street]**

Resolution authorizing a new lease of approximately 7,680 square feet at 1740 Cesar Chavez Street for the Department of Human Resources (DHR) for a term of five years. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless
James Chaffee; expressed concern with issues relating to the SF Public Library
Male speaker; expressed concern with issues relating to human rights
Douglas Holland; expressed concern with issues relating to the homeless
Eugene Gordon Jr.; expressed concern with issues relating to human rights
Male speaker; expressed concern with various issues
Richard Capri, expressed concern with various issues
Mr. Saford; expressed concern with issues relating to the homeless
Espanola Jackson; expressed concern with issues relating to environmental pollution
Mr. Ernest; expressed concern with various issues
Male speaker; express concern with issues relating to fuel and pollution

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080448 **[Accept-Expend Grant - Juvenile Probation Department - $62,500]**
Supervisor Elsbernd

Resolution authorizing the Juvenile Probation Department to accept and expend a grant in the amount of $62,500 from the Annie E. Casey Foundation to support juvenile justice reform activities at the Juvenile Probation Department.

ADOPTED

080449 **[Commending Marc Randall]**
Supervisor Chu

Resolution commending Marc Randall for his service and leadership in San Francisco through the Recreation and Parks Department.

ADOPTED

080450 **[Commending the San Francisco Planning and Urban Research Association on the groundbreaking of SPUR's new Urban Center]**
Supervisor Sandoval

Resolution commending the San Francisco Planning and Urban Research Association on the groundbreaking of SPUR's new Urban Center.

ADOPTED

080426 **[Final Map - 4121 Cesar Chavez Street]**
Motion approving Final Map 4812, a 6 Unit Residential Condominium Project, located at 4121 Cesar Chavez Street being a subdivision of Lot 052 in Assessors Block No. 6581 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,474; District 8.)

APPROVED

080427 **[Final Map - 2545 Judah Street]**
Motion approving Final Map 4628, a Fifteen Unit Residential and Six Unit Commercial Condominium Project, located at 2545 Judah Street being a subdivision of Lot 051 in Assessors Block No. 1823 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,473; District 4.)

APPROVED

080428 **[Final Map - 1798 19th Avenue]**
Motion approving Final Map 1747, a Three Residential Unit and Two Commercial Unit Mixed-Use Condominium Project, located at 1798 19th Avenue being a subdivision of Lot 015 in Assessors Block No. 2031 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,472; District 7.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

080332 **[Security Services Contract Approval - Guardsmark LLC]**

Resolution approving the contract between the City and County of San Francisco and the Guardsmark LLC to provide security services to the Human Services Agency for the period from May 1, 2008 to April 30, 2013, in the amount of $21,100,370. (Human Services Department)

3/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

3/25/08, ASSIGNED to Budget and Finance Committee.

3/25/08, SUBSTITUTED. Department of Human Services submitted a substitute resolution bearing new title.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:40 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

SF
59
#67
4/15/08

Tuesday, April 15, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

APR 17 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present:	Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m.

On the call of the roll all members were present.

APPROVAL OF MEETING MINUTES

Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved to approve the minutes of March 25, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the City Operations and Neighborhood Services Committee

080337 **[Authorizing the Sheriff to execute contracts with the State]**

Resolution authorizing the Sheriff's Department to execute contracts with the California Department of Corrections and Rehabilitation (CDCR) for the care and confinement of inmates/parolees while pending probable cause determination, revocation of parole or being returned to custody. (Sheriff)

ADOPTED

Recommendations of the Land Use and Economic Development Committee

071464 **[Zoning - Ordinance creating the Excelsior Alcohol Restricted Use District]**
Supervisors Sandoval, Peskin

Ordinance amending the San Francisco Planning Code by adding Section 785 to create an Excelsior Alcohol Restricted Use District prohibiting new off-sale liquor establishments and providing for a five-year sunset provision; amending Sectional Maps SU 11 and SU 12 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Excelsior Alcohol Restricted Use District, which generally consist of the blocks and lots fronting both sides of Mission Street from Silver Avenue to the Daly City border; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED

080210 **[Stipulation of Conditional Use authorization or Mandatory Discretionary Review of any permit application to remove dwelling units, where the Planning Code does not already require Conditional Use authorization]**

Ordinance amending the Planning Code by adding Section 317 to stipulate Conditional Use or Mandatory Discretionary Review of any Building Permit applications that would eliminate existing dwelling units through mergers, conversions, or demolitions of residential units, and requiring certain affordability and soundness findings, with certain administrative exceptions allowed; making findings as to the need to preserve affordable housing in San Francisco, environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan. (Planning Department)

FINALLY PASSED

Recommendations of the Rules Committee

080370 **[Appointment - Shelter Monitoring Committee - Chris Callandrillo]**

Motion appointing Chris Callandrillo, term ending November 23, 2008, to the Shelter Monitoring Committee.

Chris Callandrillo, succeeding Diana Valentine, resigned, seat 3, must have experience providing direct services to the homeless through a community setting, for the unexpired portion of a two-year term ending November 23, 2008.

APPROVED

080373 [Appointment - San Francisco Fair Lending Working Group]

Motion appointing Jan Lynn Owgn, Leon Huntting, Heidi Mueller, Maeve Elise Brown, Kevin Stein, Ed Donaldson, Amanda Feinstein, Jon Ballesteros, Grace Mejia, Jane Duong, and Chris Oldag, terms ending July 1, 2009, to the San Francisco Fair Lending Working Group, residency requirement waived.

Jan Lynn Owgn, new appointment, seat 1, must be a representative of a financial institution/lending agency, for a term ending on July 1, 2009 (residency requirement waived).
Leon Huntting, new appointment, seat 2, must be a representative of the mortgage broker industry, for a term ending on July 1, 2009 (residency requirement waived).
Heidi Mueller, new appointment, seat 3, must be a representative of the real estate profession, for a term ending on July 1, 2009.
Maeve Elise Brown, new appointment, seat 4, must be a representative of a community-based organization focusing on foreclosure counseling and legal assistance, for a term ending on July 1, 2009 (residency requirement waived).
Kevin Stein, new appointment, seat 5, must be a representative of an advocacy organization, for a term ending on July 1, 2009.
Ed Donaldson, new appointment, seat 6, must be a representative of any of the following categories: a financial institution/lending agency, the mortgage broker industry, the real estate profession, a community-based organization focusing on foreclosure counseling and legal assistance, or other advocacy organization, for a term ending on July 1, 2009.
Amanda Feinstein, new appointment, seat 7, must be a representative of any of the following categories: a financial institution/lending agency, the mortgage broker industry, the real estate profession, a community-based organization focusing on foreclosure counseling and legal assistance, or other advocacy organization, for a term ending on July 1, 2009 (residency requirement waived).
Jon Ballesteros, new appointment, seat 8, must be a representative of any of the following categories: a financial institution/lending agency, the mortgage broker industry, the real estate profession, a community-based organization focusing on foreclosure counseling and legal assistance, or other advocacy organization, for a term ending on July 1, 2009.
Grace Mejia, new appointment, seat 9, must be a representative of any of the following categories: a financial institution/lending agency, the mortgage broker industry, the real estate profession, a community-based organization focusing on foreclosure counseling and legal assistance, or other advocacy organization, for a term ending on July 1, 2009 (residency requirement waived).
Jane Duong, new appointment, seat 10, must be a representative of any of the following categories: a financial institution/lending agency, the mortgage broker industry, the real estate profession, a community-based organization focusing on foreclosure counseling and legal assistance, or other advocacy organization, for a term ending on July 1, 2009.
Chris Oldag, new appointment, seat 11, must be a representative of any of the following categories: a financial institution/lending agency, the mortgage broker industry, the real estate profession, a community-based organization focusing on foreclosure counseling and legal assistance, or other advocacy organization, for a term ending on July 1, 2009 (residency requirement waived).

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Land Use and Economic Development Committee

Supervisor Dufty Excused From Voting

Supervisor Dufty previously excused from voting on File Nos. 071001, 071002, and 080319 at the Board meeting of 4/8/08

071001 **[Zoning Map Amendments Associated with the Laguna, Haight, Buchanan and Hermann Streets Special Use District]**

Supervisor Ammiano

Ordinance amending Section Maps 7, 7H and 7SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Blocks 857 and portions of Assessor's Block 870, bounded by Laguna, Buchanan, Haight and Hermann Streets, from P (Public) to either NC-3 (Moderate-Scale Neighborhood Commercial District) or RM-3 (Residential, Mixed Districts, Medium Density) and mapping the Laguna, Haight, Buchanan and Hermann Streets Special Use District; adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

071002 **[Laguna, Haight, Buchanan and Hermann Streets Special Use District]**

Supervisors Mirkarimi, Ammiano

Ordinance approving the Laguna, Haight, Buchanan, and Hermann Streets Special Use District (SUD) by amending the San Francisco Planning Code by adding Section 249.32 to create a new SUD bounded by Laguna, Haight, Buchanan and Hermann Streets (Assessor's Blocks 857 and portions of Assessor's Block 870) to permit a mixed-use project at the former UC Berkeley Extension property; and adopting findings, including findings under the California Environmental Quality Act.

(No Economic Impact)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

080319 **[General Plan Amendments for Assessors Block 857 and portions of Assessors Block 870 bound by Laguna, Haight, Buchanan and Hermann Streets]**

Supervisors Mirkarimi, Ammiano

Ordinance amending the Market and Octavia Area Plan of the San Francisco General Plan to (1) reclassify the Use District on Block 857 from Public to Moderate Density Residential and reclassify the Use District on Block 870, Lots 1, 2 and the northern portion of Lot 3 from Public to Moderate Density Neighborhood Commercial; (2) amending the Market and Octavia Area Plan of the San Francisco General Plan to reclassify the Height District for Block 857, Lot 1A from 40 feet to 50 feet and to reclassify the Height District for Block 870, Lots and 1 and 2 from 80 feet to 85 feet and Block 870, Lot 3 from 40 feet to 50 feet; (3) amending the Generalized Residential Land Use Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the generalized land use of Block 857 from Public/Open Space to Residential and of Block 870 from Public/Open Space to Mixed Use, predominantly Commercial/Industrial; (4) amending the Residential Density Plan of the 1990 Residence Element, the 2004 Housing Element, and of the Land Use Index to reclassify the residential density of Blocks 857 and 870 from Public and Heavy Industrial Areas to Moderately High Density; (5) adopting findings pursuant to the California Environmental Quality Act; and (6) adopting findings that the General Plan amendments are consistent with the eight priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Dufty

Supervisors Daly and Dufty Excused From Voting

Supervisors Daly and Dufty previously excused from voting on File Nos. 071157 and 071159 at the Board meeting of 4/8/08

071157 [Planning Code Amendments to implement the Market and Octavia Area Plan]
Supervisors Mirkarimi, McGoldrick

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of $8 in the Van Ness Market Special Use District, $4 in the Neighborhood Commercial Transit (NCT) district, and $0 in the Transit-Oriented Residential (RTO) district; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying $30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights (TDRs); and providing that projects may further exeed FAR limits above a site FAR of 9:1 by paying $15 per additional gross square foot into the Van Ness and Market Neighborhood Infrastructure Fund; Section 249.34 to establish the Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of $10 per square foot for certain new residential and $4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of $9 per square foot for transit impacts from residential development and $5 per square foot for impacts from new parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncodified Section 4 adopting procedures for treatment of historic resources in the Plan

Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

071159 [Zoning Map Amendment in connection with the Market and Octavia Area Plan]
Supervisor Mirkarimi

Ordinance amending Zoning Map Sheets 2, 2H, 2SU and 7, 7H, and 7SU of the City and County of San Francisco Planning Code to eliminate use districts and height and bulk districts within the Market and Octavia Plan Area; replacing them with revised use districts, height and bulk districts, and special use districts, consistent with those proposed in the Market and Octavia Area Plan; and making various findings, including CEQA findings and findings of consistency with the General Plan and Planning Code Section 101.1.

(Economic Impact)

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, Dufty

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080219 [2008 Annual Fundraising Drive]

Resolution designating those agencies qualified to participate in the 2008 Annual Joint Fundraising Drive for officers and employees of the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080333 **[Ten Year Capital Expenditure Plan 2009-2018]**
Supervisor Elsbernd

Resolution adopting the City's ten year capital expenditure plan for fiscal years 2009-2018. (City Administrator)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080362 **[Amending a contract with anticipated expenditures in excess of $10 million]**

Resolution approving the Eleventh Amendment to the Agreement between the City and County of San Francisco (Purchaser) and Sunset Scavenger Company (Contractor) for sludge hauling, extending the term of the contract by 11 months to April 30, 2009 and increasing the total compensation to the Contractor by $3 million, pursuant to San Francisco Charter Section 9.118(b). (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080363 **[Professional services agreement to provide professional engineering services]**

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to execute an amendment to increase the amount of a professional services agreement with URS Corporation by $1,900,000, for a total revised agreement amount of $13,900,000. (Public Utilities Commission)

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

080025 **[Liquor license transfer - 1237 Polk Street]**

Resolution determining that the transfer of a Type 48 on-sale general public premises liquor license from 1415 Larkin Street to 1237 Polk Street (District 3), to Myles O'Reilly for McTeague's Saloon will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

080405 [Aerial spraying of pesticides to eradicate the Light Brown Apple Moth]
Supervisors Mirkarimi, Ammiano, Daly

Resolution opposing aerial spraying over the City and County of San Francisco of pesticides designed to eradicate the Light Brown Apple Moth; urging the City Attorney to pursue legal strategies to oppose aerial spraying in San Francisco.

Supervisor Daly requested to be added as a co-sponsor

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080409 [Urging safe approach to controlling Light Brown Apple Moth]
Mayor, Supervisors Dufty, Ammiano

Resolution urging the State of California to make maximum use of safe and tested ground-based approaches to control the Light Brown Apple Moth; complete an environmental impact report prior to the inception of any aerial spray program; and ensure that the California EPA Office of Environmental Health Hazard Assessment conducts an independent human health risk assessment of any LBAM aerial spray program prior to its inception.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

071596 [Audio or video recording of public meetings held in City Hall hearing rooms]
Supervisors Mirkarimi, Ammiano, Daly

Ordinance amending Section 67.14 of the Administrative Code to require that any public meeting held in a City Hall hearing room that is equipped with audio or video recording facilities be audio or video recorded and to further require that such audio or video recording be made available for review on the City's web site.

Supervisor Elsbernd, seconded by Supervisor Alioto-Pier moved to refer File No. 071596 to committee.

The motion failed by the following vote:
Ayes: Alioto-Pier, Chu, Dufty, Elsbernd, McGoldrick
Noes: Ammiano, Daly, Maxwell, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Ammiano, Daly, Dufty, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Chu, Elsbernd, Maxwell, McGoldrick

080278 **[Clarifying when the Ethics Commission must raise the individual expenditure ceiling in the partial public financing program for candidates for Mayor and the Board of Supervisors, and correcting minor drafting errors]**
Supervisor Daly

Ordinance amending Sections 1.108, 1.134.5, and 1.144 of the Campaign and Governmental Conduct Code, to clarify when the Executive Director of the Ethics Commission shall raise the Individual Expenditure Ceiling for a candidate for Mayor or the Board of Supervisors and to make technical corrections.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier

From the Rules Committee With Recommendation "Do Not Pass"

Supervisor Ammiano Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Ammiano from voting on File No. 071659. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

071659 **[Deletes the cap on the amount that an individual production can receive under the Rebate Program]**
Supervisor Alioto-Pier

Ordinance amending Administrative Code Section 57.8 by repealing the provision that limits individual rebates under the Rebate Program to the amount of tax that the film production paid to the City.

(Economic Impact)

PASSED ON FIRST READING by the following vote:
Ayes: 6 - Alioto-Pier, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi
Noes: 4 - Daly, McGoldrick, Peskin, Sandoval
Excused: 1 - Ammiano

Supervisor Maxwell, seconded by Supervisor McGoldrick moved to rescind the vote on File No. 071659.

The motion passed by the following vote:
Ayes: Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: Ammiano

NOT PASSED ON FIRST READING by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Noes: 6 - Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

From the Rules Committee Without Recommendation

071670 [Administrative fines for violation of City ordinances]
Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Chapter 100, entitled "Procedures Governing the Imposition of Administrative Fines" and encompassing Section 100.1 through 100.16, to establish a procedure for the enforcement, collection, and administrative review administrative fines imposed for violation of City ordinances.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Dufty introduced, welcomed and presented Certificates of Honor to the Staff of Congressman Lantos' District Office.

Supervisor Chu introduced, welcomed and presented Certificates of Honor to Ulloa Elementary School and its staff for receiving the California 2008 Distinguished School of the Year Award.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless and public health
James Chaffee; expressed concern with issues relating to the SF Public Library
Eugene Gordon Jr.; expressed concern with various issues
Joseph Ryan; expressed concern with the Turbine Peaker Project
Serine; expressed concern with the Turbine Peaker Project
Romona Coline; expressed concern with the Turbine Peaker Project
Adrine; expressed concern with the Turbine Peaker Project
Ms. Judson; expressed concern with the Turbine Peaker Project
Robin Loberton; expressed concern with the Turbine Peaker Project
Allen Grant; expressed concern with the Turbine Peaker Project
Female speaker; expressed concern with the Turbine Peaker Project
John Di Donna; expressed concern with the Olympic Torch Run
Josh Varsa; expressed concern with the Turbine Peaker Project
Richard Decree; expressed concern with various issues
Mark Konic; expressed concern with the Turbine Peaker Project
Ms. Wilson; expressed concern with issues related workers rights
Cecil Gills; expressed concern with issues related to global warming
Espanola Jackson; expressed concern with the Turbine Peaker Project
Eric Burns; expressed concern with the Turbine Peaker Project
Diane Wesley Smith; expressed concern with issues related to housing retention
Joseph Litner; expressed concern with the Turbine Peaker Project

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080486 **[Recognizing San Jose State University for bringing awareness to the United States Food and Drug Administration's discriminatory policy on blood donations which singles out gay men]**
Supervisors Sandoval, Ammiano, Dufty

Resolution recognizing San Jose State University for bringing awareness to the United States Food and Drug Administration's discriminatory policy on blood donations which singles out gay men.

ADOPTED

080487 **[Urging the United States Congress to save the Commodity Supplemental Food Program (CSFP), restore the thousands of people cut from the program since 2003, and expand the program to meet the increasing need]**
Supervisor Dufty

Resolution urging the United States Congress to save the Commodity Supplemental Food Program (CSFP), restore the thousands of people cut from CSFP since 2003, and expand the program to meet the increasing need.

ADOPTED

080489 **[Grant funds to support HIV prevention activities]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter retroactively into an agreement in the amount of $44,408 with the Public Health Foundation Enterprises (PHFE), the primary contractor, to fund a project entitled "Reducing Sexual Risk among Episodic Substance Using MSM;" for the period of September 30, 2007 through September 29, 2008.

ADOPTED

080490 **[Urging the California Legislature to pass Senate Bill 1066]**
Supervisors Ammiano, Dufty

Resolution urging the California Legislature to pass Senate Bill 1066 and instructing the City's lobbyist to work toward this goal. This Bill eliminates discrimination based on age and sexual orientation, increases access to employer-provided health insurance for opposite-sex couples, and brings uniformity to domestic partner laws in California.

ADOPTED

080492 **[Accept-Expend State Grant - Chief of Police - $65,000]**
Supervisor Elsbernd

Resolution authorizing the Chief of Police for the City and County of San Francisco to retroactively accept and expend a grant in the amount of $65,000.00 (Sixty-Five Thousand dollars) from the California Department of Boating and Waterways to purchase miscellaneous boating equipment for use in boating safety and law enforcement activities.

ADOPTED

080493 **[National Crime Victims' Rights Week - April 13-19, 2008]**
Supervisor Maxwell

Resolution proclaiming the week of April 13-19, 2008, as National Crime Victims' Rights Week.

ADOPTED

080494 **[1858 Black Exodus to Victoria, British Columbia]**
Supervisor Maxwell

Resolution expressing profound regret for the 1858 exodus of hundreds of Black residents of San Francisco to Victoria, British Columbia because of the legalized brutality and injustices that were visited upon them based upon such legislation as the 1850 Civil Practices Act, that disqualified Blacks from testifying against whites, the Fugitive Slave Act of 1852 and the proposed Assembly Bill 339 in 1858 that was "An Act to restrict and prevent the immigration to and residence in the State of Negroes and mulattos."

ADOPTED

080495 **[Extending the Asthma Task Force Membership to June 30, 2011]**
Supervisor Maxwell

Resolution extending the Asthma Task Force Membership to June 30, 2011.

ADOPTED

The foregoing items were acted upon by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

Severed from the Without Reference to Committee Agenda

080491 **[Supporting an independent analysis of the SFPUC's proposed "Combustion Turbine Peaker Project"]**
Supervisor Alioto-Pier

Resolution supporting a request for an independent analysis of the SFPUC's proposed "Combustion Turbine Peaker Project" to update the Cal-ISO/SFPUC 2004 Action Plan for San Francisco to a 2008 Action Plan that will include the 400 Megawatts provided by Transbay Cable, improvements in renewable energy technologies, municipal solar projects, transmission and reconductering upgrades and demand response.

Supervisor Maxwell requested that this matter be severed so that it might be considered.
REFERRED to the Land Use and Economic Development Committee.

080496 **[Supporting a fiscal feasibility study of the SFPUC's proposed "Combustion Turbine Peaker Project"]**
Supervisor Alioto-Pier

Resolution supporting a fiscal feasibility study of the SFPUC's proposed "Combustion Turbine Peaker Project" as required under Section 29.1(c)(4) of the Administrative Code.

Supervisor Maxwell requested that this matter be severed so that it might be considered.
REFERRED to the Land Use and Economic Development Committee.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080453 **[Amending San Francisco Fire Code to add Express Plan Review service and fee]**

Ordinance making environmental findings and amending Appendix Chapter 1, Section 112.9 of the San Francisco Fire Code to add an Express Plan Review service at the Fire Department and to establish a fee for that service. (Fire Department)

4/1/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/15/2008.
04/15/08 - Referred to Planning for dermination of environmental impact.

080454 **[Settlement of Lawsuit - John Weatherspoon III]**

Ordinance authorizing settlement of the lawsuit filed by John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon against the City and County of San Francisco for $5,150,000.00; the lawsuit was filed on May 9, 2006 in San Francisco Superior Court, Case No. 452-083; entitled John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon v. City and County of San Francisco, et al. (City Attorney)

4/2/08, RECEIVED AND ASSIGNED to Rules Committee.

080455 **[Settlement of Lawsuit - Marnix Van Ammers and Jean Walker]**

Ordinance authorizing settlement of the lawsuit filed by Marnix Van Ammers and Jean Walker against the City and County of San Francisco for $70,000.00; the lawsuit was filed on April 9, 2007 in the San Francisco Superior Court, Case No. 462-146; entitled Van Ammers, et al., v. City and County of San Francisco, et al. (City Attorney)

4/2/08, RECEIVED AND ASSIGNED to Rules Committee.

080456 **[Settlement of Lawsuit - Jane Martin]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Aristides Cisneros and Shirley Kollman against the City and County of San Francisco for $75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

4/2/08, RECEIVED AND ASSIGNED to Rules Committee.

080457 **[Settlement of Lawsuit - Margarita Hill]**

Ordinance authorizing settlement of the lawsuit filed by Margarita Hill against the City and County of San Francisco for $55,000; the lawsuit was filed on December 12, 2006 in San Francisco Superior Court, Case No. 458664; entitled Margarita Hill v. City and County of San Francisco, et al. (City Attorney)

4/2/08, RECEIVED AND ASSIGNED to Rules Committee.

080464 **[Implementing a Deferred Retirement Option Program for certain members of the Police Department]**

Ordinance adding Sections 16.63 through 16.63-10 to the Administrative Code to implement the Deferred Retirement Option Program approved by the San Francisco voters. (Retirement System)

4/7/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

080452 **[Gift of up to $300,000 - private, Department of Public Health]**

Resolution authorizing the Department of Public Health, Community Behavioral Health Services to retroactively accept a gift of Buprenorphine medication from Reckitt Benkiser Pharmaceuticals with a monetary value of up to $300,000 for the period of March 1, 2008 through August 31, 2008 for ongoing and new patients receiving Opiate Replacement Treatment in San Francisco. (Public Health Department)

4/2/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080458 **[Settlement of Claim - Christopher L. Blackstock]**

Resolution approving the settlement of the unlitigated claim filed by Christopher L. Blackstock against San Francisco for $40,000; claim was filed on September 13, 2007. (City Attorney)

4/2/08, RECEIVED AND ASSIGNED to Rules Committee.

080467 **[Lease of Real Property at 68 12th Street, Suite 200B]**

Resolution authorizing the Director of Property to exercise a three-year extension option for a lease of real property located at 68 12th Street, Suite 200B, for the Department of Public Health, Emergency Medical Services, effective retroactively to July 1, 2007. (Real Estate Department)

4/7/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080468 **[Lease of Real Property at 1360 Mission Street, Suite 401]**

Resolution authorizing the Director of Property to exercise an Extension Option for a three-year term for the lease of real property located at 1360 Misison Street, Suite 401, for the Department of Public Health retroactively to January 1, 2008. (Real Estate Department)

4/7/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:53 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES.

Tuesday, April 22, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

APR 24 2008

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PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisor McGoldrick was noted absent.

There was a quorum present.

Supervisor McGoldrick Excused from Attendance

Supervisor Dufty, seconded by Supervisor Ammiano, moved to excuse Supervisor McGoldrick from attendance. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

APPROVAL OF MEETING MINUTES

Supervisor Chu, seconded by Supervisor Dufty, moved to approve the minutes of April 1, 2008. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Land Use and Economic Development Committee

Supervisors Daly and Dufty Excused From Voting

Supervisors Daly and Dufty previously excused from voting on File No. 071157 at the Board meeting of 4/8/08.

071157 [Planning Code Amendments to implement the Market and Octavia Area Plan]
Supervisors Mirkarimi, McGoldrick

Ordinance amending the San Francisco Planning Code to implement the Market and Octavia Area Plan of the General Plan by amending Section 102.5 (District); Section 121.1 (Development on Large Lots, Neighborhood Commercial Districts); Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts); Section 124 (Basic Floor Area Ratio); Section 132 (Front Setback); Section 134 (Rear Yards); Section 135 (Usable Open Space For Dwelling Units and Group Housing); Section 144 (Treatment of Ground Story On Street Frontages); Section 145.1 (Street Frontages, Neighborhood Commercial Districts); Section 145.4 (Street Frontages Downtown and Mixed-Use Districts); Section 151.1 (Schedule of Required Off-Street Parking Spaces); Section 152. (Schedule of Required Off-Street Freight Loading Spaces in Districts Other Than C-3 or South of Market); Section 153 (Rules for Calculation of Required Spaces); Section 154 (Minimum dimensions for required off-street parking, freight loading and service vehicle spaces); Section 155 (General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading and Service Vehicle Facilities); Section 156 (Parking Lots); Section 166 (Requirements for Provision of Car-Share Parking Spaces); Section 167 (Parking Costs Separated from Housing Costs in New Residential Buildings); Section 201 (Classes of Use Districts); Section 207.1. (Rules For Calculation Of Dwelling Unit Densities); Section 207.4 (Density of Dwelling Units in Neighborhood Commercial Districts); Section 208 (Density Limitations for Group Housing); Section 209.1-209.9 (Uses Permitted in RTO Districts); Section 234.2 (Requiring CU Authorization for specified uses in P Districts within the Market and Octavia Neighborhood Area); Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in R Districts); Section 270 (Bulk Limits: Measurement); Section 303 (Conditional Uses: Determination); Section 304 (Planned Unit Developments: Criteria and Limitations); Section 311 (Residential Permit Review Procedures for RH and RM Districts: Applicability); Section 315 (Inclusionary Housing requirements) including adding a fee on new residential development in the Plan Area in addition to the existing inclusionary housing requirements in a per square foot amount of $8 in the Van Ness Market Special Use District, $4 in the Neighborhood Commercial Transit (NCT) district, and $0 in the Transit-Oriented Residential (RTO) district; Section 316 (Procedures for Conditional Use Authorization in Neighborhood Commercial and South of Market Districts and for Live/Work Units in RH, RM, and RTO Districts); Section 603 (Exempted Signs); Section 606 (Residential Districts); Section 702.1 (Neighborhood Commercial Use Districts); Section 720.1 (Hayes-Gough Neighborhood Commercial Transit District) to conform these sections with the new VNMDR-SUD, NCT and RTO district controls; and adding new zoning districts and a new special use district including Section 121.5 to establish controls for Development on Large Lots in Residential Districts; Section 121.6 to restrict lot mergers in residential districts and on pedestrian-oriented streets; Section 158.1 related to Non-accessory Parking Garages in NCT and RTO Districts and the Van Ness and Market Downtown Residential Special Use District; Section 206.4 to establish the Transit-Oriented Residential District (RTO); Section 207.6 related to Required Minimum Dwelling Unit Mix and Unit Subdivision Restrictions in RTO and NCT Districts; Section 207.7 relating to Restrictions on Demolition, Conversion, and Merger of Existing Dwelling Units in RTO and NCT Districts; Section 230 establishing Limited Corner Commercial Uses in RTO Districts; Section 249.33 to establish the Van Ness and Market Downtown Residential Special Use District (VNMDR-SUD) including providing that projects in the VNMDR-SUD may exceed allowable Floor Area Ratio (FAR) up to a certain ratio by paying $30 per gross square foot into the Citywide Affordable Housing Fund but not by acquiring Transferable Development Rights (TDRs); and providing that projects may further exeed FAR limits above a site FAR of 9:1 by paying $15 per additional gross square foot into the Van Ness and Market Neighborhood Infrastructure Fund; Section 249.34 to establish the Fulton Street Grocery Store Special Use District; Section 261.1 related to Additional Height Limits for Narrow Streets and Alleys in RTO and NCT Districts; Section 263.18 creating a Special Height Exception: Additional Five Feet Height for Ground Floor uses in NCT 40-X and 50-X Height and Bulk Districts; Section 263.20 Special Height Exceptions: Fulton Street Grocery Store Special Use District 40-X/50-X Height District; Sections 326-326.8 establishing the Market and Octavia Community Improvements Fee and Fund including community improvement fees of $10 per square foot for certain new residential and $4 per square foot for certain new commercial developments, and a springing fee for transit and parking impacts with a maximum fee of $9 per square foot for transit impacts from residential development and $5 per square foot for impacts from new parking spaces; Sections 341-341.4 establishing a Better Neighborhoods Area Plan Monitoring Program; Sections 731 and 731.1 creating an NCT-3 Moderate-Scale Neighborhood Commercial Transit District; Sections 732 and 732.1 creating the Upper Market Street Neighborhood Commercial Transit District; adding an uncodified Section 4 adopting procedures for treatment of historic resources in the Plan

Area; and adopting environmental findings and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 3 - Daly, Dufty, McGoldrick

Recommendations of the Rules Committee

071596 [Audio or video recording of public meetings held in City Hall hearing rooms]

Supervisors Mirkarimi, Ammiano, Daly

Ordinance amending Section 67.14 of the Administrative Code to require that any public meeting held in a City Hall hearing room that is equipped with audio or video recording facilities be audio or video recorded and to further require that such audio or video recording be made available for review on the City's web site.

FINALLY PASSED by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - McGoldrick

080278 [Clarifying when the Ethics Commission must raise the individual expenditure ceiling in the partial public financing program for candidates for Mayor and the Board of Supervisors, and correcting minor drafting errors]

Supervisor Daly

Ordinance amending Sections 1.108, 1.134.5, and 1.144 of the Campaign and Governmental Conduct Code, to clarify when the Executive Director of the Ethics Commission shall raise the Individual Expenditure Ceiling for a candidate for Mayor or the Board of Supervisors and to make technical corrections.

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 1 - Alioto-Pier
Excused: 1 - McGoldrick

From the Rules Committee Without Recommendation

071670 [Administrative fines for violation of City ordinances]

Supervisor Mirkarimi

Ordinance amending the San Francisco Administrative Code by adding Chapter 100, entitled "Procedures Governing the Imposition of Administrative Fines" and encompassing Section 100.1 through 100.16, to establish a procedure for the enforcement, collection, and administrative review administrative fines imposed for violation of City ordinances.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080332 [Security Services Contract Approval - Guardsmark LLC- $21,100,370]

Resolution approving the contract between the City and County of San Francisco and the Guardsmark LLC to provide security services to the Human Services Agency for the period from May 1, 2008 to April 30, 2013, in the amount of $21,100,370. (Human Services Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080444 [Appropriating $275,237 of Beginning Fund Balance for Grievance Arbitration Expenses and Workers' Compensation Settlement Costs in the War Memorial for Fiscal Year 2007-2008]

Mayor

Ordinance appropriating $275,237 of Beginning Fund Balance for Grievance Arbitration Expenses and Workers' Compensation Settlement Costs in the War Memorial for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080359 [Appropriating $6,593,103 for Officer Training, Inmate Housing Cost Overruns, and Compensatory Time Off for the Sheriff and Public Health Departments for Fiscal Year 2007-2008]

Mayor

Ordinance de-appropriating $323,886 of General Fund and appropriating $600,000 of Sheriff Inmate Program Beginning Fund Balance, $269,044 of Peace Officer Training funds, and $5,400,173 of General Fund Reserve for peace officer training and cost overruns related to inmate housing and Compensatory Time Off in the Sheriff's Department, and jail health services in the Department of Public Health for a total appropriation of $6,593,103 for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Excused: 1 - McGoldrick

080392 **[Approval of the amendment of the Mental Health Services Act (MHSA) Agreement]**

Resolution approving the amendment of the MHSA Agreement to include the MHSA Housing budget of $9,877,600 comprised of the MHSA Housing allocation of $7,714,400 and One-Time Augmentation to the MHSA Community Services and Supports of $2,163,200 and the assignment of these funds to CalHFA for investing in appropriate investment vehicles, underwriting of capital loans, determination of operating subsidies, disbursement of funds to approved housing developments, and continued monitoring of the project development. (Public Health Department)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080396 **[Apply For-Accept-Expend Federal Funding - HOME Program]**

Resolution approving the 2008/09 HOME Investment Partnership (HOME) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2008/09 HOME Program entitlement from the U.S. Department of Housing and Urban Development (HUD), totaling $7,740,804. (Mayor)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080394 **[Apply For-Accept-Expend Federal Funding - Community Development Block Grant]**

Resolution approving the 2008/09 Community Development Block Grant (CDBG) Program; authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2008/09 Community Development Block Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) together with Program Income and Reprogrammed Funds, totaling $22,617,052. (Mayor)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080395 **[Apply For-Accept-Expend Federal Funding - Emergency Shelter Grants Program]**

Resolution approving the 2008/09 Emergency Shelter Grant (ESG) Program; and authorizing the Mayor, on behalf of the City and County of San Francisco, to apply for, accept, and expend the City's 2008/09 Emergency Shelter Grant Program entitlement from the U.S. Department of Housing and Urban Development (HUD) in the amount of $944,908. (Mayor)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Recommendations of the Land Use and Economic Development Committee

071531 **[Amending the Planning Code to include properties in the proposed Excelsior Alcohol Restricted Use District in the Fringe Financial Service Restricted Use District and making related Zoning Map Amendments]**

Supervisor Sandoval

Ordinance amending San Francisco Planning Code Sections 249.35, 711, and 712 to include properties in the proposed Excelsior Alcohol Restricted Use District in the Fringe Financial Service Restricted Use District prohibiting new fringe financial services, as defined, with certain exceptions, including properties in the Assessor's Blocks fronting on both sides of Mission Street from Silver Avenue to the Daly City border; amending Special Use District Maps Numbers SU11 and SU12 of the Zoning Map of the City and County of San Francisco to define the boundaries of the Fringe Financial Service Restricted Use District; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080279 **[Landmark Designation of 900 Innes Avenue (Shipwright's Cottage)]**

Supervisor Maxwell

Ordinance designating 900 Innes Avenue (Shipwright's Cottage) as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

080393 **[Street Artist Winter Holiday Spaces]**

Resolution approving continuous designation of temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for each year's winter holiday season, beginning on November 15 and ending on January 15. (Arts Commission)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

RECESS

The Board recessed at the hour of 2:48 p.m.

Reconvening of the Board

The Board reconvened at the hour of 3:32 p.m.

The following Supervisors were noted present: Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin - 9

Supervisors McGoldrick and Sandoval were noted absent at 3:32 p.m.

Supervisor McGoldrick was previously excused.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Maxwell introduced, welcomed and presented Certificates of Honor to the African American Historical Society and its staff.

Supervisor Maxwell introduced and welcomed former Supervisor Amos Brown.

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to Sherilyn Adams for her work with Larkin Street Youth Services.

Supervisor Alioto-Pier introduced, welcomed and presented Certificates of Honor to Director Dave Santori, Coach Dan Brandt, Amanda Arcila, David Boyden, Ellis Briery, Natalie Davidson, Karoline Gurdal, Rose Guthrie, Anna Kegulski, Christian Roth, and Logan Weir of the Golden Gate Yacht Club Youth Sailing Program.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to Abdullah Megaheed as he retires from public comment at the Board of Supervisors meetings for his work and advocacy for the homeless, healthcare and other critical issues.

SPECIAL ORDER 4:00 P.M.

070910 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

Continued to May 20, 2008

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - Dufty, Sandoval
Excused: 1 - McGoldrick

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be adopted.)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 20, 2008

CONTINUED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - Dufty, Sandoval
Excused: 1 - McGoldrick

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 20, 2008

CONTINUED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - Dufty, Sandoval
Excused: 1 - McGoldrick

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to May 20, 2008

CONTINUED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 2 - Dufty, Sandoval
Excused: 1 - McGoldrick

COMMITTEE REPORTS

080481 **[Settlement of Lawsuits - M-J SF Investments, LLC - $5,163]**
Supervisor Peskin

Ordinance authorizing settlement of two lawsuits filed by M-J SF Investments, LLC, against the City and County of San Francisco for $5,163 in costs to the City and County of San Francisco; the first lawsuit was filed on April 6, 2006, in San Francisco Superior Court, Case No. CGC-06-451001; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; the second lawsuit was filed on September 21, 2007, in San Francisco Superior Court, Case No. CPF-07-507496; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 080481.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megaheed; expressed concern with issues relating to the homeless and public health
Male Speaker; expressed concern with various issues
Cecil Mills; expressed concern with issues relating to power plants

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080530 **[Commending the Neighborhood Arts Program and proclaiming May 3, 2008 Neighborhood Arts Day in San Francisco]**
Supervisors Mirkarimi, Dufty

Resolution commending the Neighborhood Arts Program on the occasion of its 40th anniversary and proclaiming May 3, 2008 Neighborhood Arts Day in San Francisco.

ADOPTED

080531 [Supporting the Arts in California State Assembly Bill AB 2728]
Supervisor Ammiano

Resolution supporting the Arts in California State Assembly Bill AB 2728 to fully fund the California Arts Council.

ADOPTED

080533 [Requesting the Mayor, Chief of Police and the Mayor's Office of Criminal Justice to offer a reward for information leading to the arrest and conviction of the person(s) responsible for the homicide of Luis Salari on April 9, 2008]
Supervisors Sandoval, Dufty

Resolution requesting the Mayor, Chief of Police and the Mayor's Office of Criminal Justice to offer a reward for information leading to the arrest and conviction of the person(s) responsible for the homicide of Luis Salari on April 9, 2008.

ADOPTED

080534 [Armenian Genocide Commemoration Day - April 24, 2008]
Supervisors Peskin, Maxwell, McGoldrick, Ammiano, Elsbernd, Alioto-Pier, Mirkarimi, Daly, Dufty, Sandoval, Chu

Resolution declaring April 24, 2008 as Armenian Genocide Commemoration Day in San Francisco.

ADOPTED

080535 [San Francisco Symphony "Adventures in Music Day" - April 18, 2008]
Supervisors Dufty, Peskin

Resolution declaring April 18, 2008 “Adventures in Music Day” in San Francisco.

Supervisor Peskin requested to be added as a co-sponsor
ADOPTED

080536 [Authorizing application to State Infill Infrastructure Grant Program]
Supervisor McGoldrick

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the Infill Infrastructure Grant Program; the execution of a Standard Agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the Infill Infrastructure Grant Program.

ADOPTED

080537 [Declaring May 4, 2008 "People Paddle for AIDS Day"]
Supervisor Daly

Resolution commending People Paddle for their efforts in raising awareness, funding, and offering services to those with AIDS and hereby declare May 4, 2008, “People Paddle for AIDS Day.”

ADOPTED

080538 **[Opposition to California State Initiative 07-0094, the Runner Initiative]**
Supervisors Daly, Peskin, Ammiano, Mirkarimi

Resolution expressing opposition to Initiative 07-0094, the Runner Initiative, a proposed ballot measure that would shift state resources from education, crime and violence prevention toward increased incarceration of youth and young adults from low income communities of color with limited opportunities for education, employment and rehabilitation.

ADOPTED

080539 **[Approval of a second 120-day extension for Planning Commission review]**
Supervisor Daly

Resolution extending by an additional 120 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the Planning Code by repealing Section 825.1 and amend Planning Code Sections 135, 309.1, 318.3, 809, 825 and 827 to apply many of the provisions of Rincon Hill Downtown Mixed Use Zoning District to all Downtown Residential Districts and to add design requirements to enhance the pedestrian environment.

ADOPTED

080497 **[Final Map - 3401 - 3415 Taraval Street]**
Motion approving Final Map 4703, a 6 Unit Residential and 1 Unit Commercial Condominium Project, located at 3401 – 3415 Taraval Street being a subdivision of Lot 001 in Assessors Block No. 2381 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,491; District 4.)

APPROVED

080498 **[Final Map - 3620 19th Street]**
Motion approving Final Map 4269, a 39 Residential Unit and 2 Commercial Unit Mixed-Use Condominium Project, located at 3620 19th Street being a subdivision of Lot 018, 068, and 070 in Assessors Block No. 3587 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,492; District 8.)

APPROVED

080499 **[Final Map - 8 McLea Court]**
Motion approving Final Map 3594, a 29 Unit Residential Condominium Project, located at 8 McLea Court being a subdivision of Lot 142 in Assessors Block No. 3757 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,490; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Severed from the Without Reference to Committee Agenda

080532 **[Proclaiming May 1, 2008 to be International Workers' Day, affirming San Francisco as a Sanctuary City, and urging the Congress of the United States to repeal the REAL ID Act of 2005]**
Supervisors Sandoval, Ammiano

Resolution proclaiming May 1, 2008 to be International Workers' Day, affirming San Francisco as a Sanctuary City, and urging the Congress of the United States to repeal the REAL ID Act of 2005.

Supervisor Sandoval requested that this matter be severed so that it might be considered.

Continued to April 29, 2008.

Supervisor Sandoval, seconded by Supervisor Ammiano, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 1 - McGoldrick

Supervisor Daly Excused From Voting

Supervisor Ammiano, seconded by Supervisor Dufty, moved to excuse Supervisor Daly from voting on File No. 080500. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

080500 **[Final Map - 1350 - 1354 Stevenson Street]**

Motion approving Final Map 4270, a Six Unit Residential Condominium Project, located at 1350 – 1354 Stevenson Street being a subdivision of Lot 037A in Assessors Block No. 3513 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order No. 177,489; District 6.)

APPROVED by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Peskin, Sandoval
Excused: 2 - Daly, McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080509 **[Settlement of Lawsuit - Debra Denise Reed- $65,000]**

Ordinance authorizing settlement of the lawsuit filed by Debra Denise Reed against the City and County of San Francisco for $65,000; the lawsuit was filed on November 22, 2006 in San Francisco Superior Court, Case No. 458-146; entitled Debra Denise Reed, et al., v. City and County of San Francisco, et al (City Attorney)
4/9/08, RECEIVED AND ASSIGNED to Rules Committee.

080510 **[Settlement of Lawsuit - Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422]**

Ordinance authorizing settlement of the coordinated lawsuits, entitled Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422, filed by AMEC Construction Management, Inc. ("ACMI") against the City and County of San Francisco, and filed by the City and County of San Francisco and the People of the State of California ("San Francisco") against ACMI, its parent and sister companies, its Surety companies, and its bond broker. (City Attorney)

4/9/08, RECEIVED AND ASSIGNED to Rules Committee.

080512 **[Hunters Point Shipyard - Street Vacation Order]**

Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1"and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance. (Public Works Department)

4/10/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

080511 **[Hunters Point Shipyard - Resolution of Intent for Street Vacation]**

Resolution declaring the intention of the Board of Supervisors to vacate portions of Innes Avenue, Galvez Avenue and Donahue Street, in Hunters Point Shipyard Parcel "A1" along with public service easements that may exist in Parcel A1, all of Navy Road on Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcel A2; vacate any easements that may exist between the vacated areas in Parcel "A1" and "A2" as described in Ordinance No. 24-05; reserve a non-exclusive easement for the City combined sewer pipeline and appurtenant facilities within Navy Road; setting a hearing date of for all persons interested in the proposed vacation of said street areas and public service easements. (Public Works Department)

4/10/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080540 **[Authorizing the Committee on Information Technology to amend its contract with Central Computer Systems to increase its contract amount to $36 million]**

Resolution authorizing the Office of Contract Administration to enter into the Seventh Amendment to the Agreement between the City and Central Computer Systems (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from $25 million to $36 million. (Office of Contract Administration)

4/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080541 **[Authorizing the Office of Contract Administration to amend its contract with En Pointe to raise the contract amount to exceed $49 million]**

Resolution authorizing the Office of Contract Administration to enter into the Eighth amendment between the City and En Pointe (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from $35 million to $49 million. (Office of Contract Administration)

4/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080542 **[Authorizing the Office of Contract Administration to amend its contract with Micromenders/GC Micro to increase the contract amount to $25 million]**

Resolution authorizing the Office of Contract Administration to enter into the Sixth amendment between the City and Micromenders/GC Micro (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's amount to $25 million. (Office of Contract Administration)

4/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080543 **[Authorizing the Office of Contract Administration to amend its contract with Xtech to increase the contract amount to $70 million]**

Resolution authorizing the Office of Contract Administration to enter into the Tenth Amendment between the City and Xtech (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from $51 million to $70 million. (Office of Contract Administration)

4/11/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080544 **[Approve SOMA Community Stabilization Fund Strategic Plan]**

Resolution approving the SOMA Community Stabilization Fund 2008 Strategic Plan. (Mayor)

4/14/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:01 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, April 29, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

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First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:07 p.m. On the call of the roll Supervisors Alioto-Pier and McGoldrick were noted absent.

There was a quorum present.

Supervisors Alioto-Pier and McGoldrick Excused from Attendance

Supervisor Dufty, seconded by Supervisor Maxwell, moved to excuse Supervisors Alioto-Pier and McGoldrick from attendance. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

080435 [Funds to support Department of Public Health Emergency Preparedness - $468,469]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $468,469 from the California Department of Public Health (CDPH) Emergency Preparedness Office, to fund the Hospital Preparedness Program; for the period of September 1, 2007 through August 8, 2008.

ADOPTED

080439 [Grant to fund rapid HIV tests in San Francisco - $781,839]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a new three-year grant from the California Department of Public Health (CDPH) in the amount of $731,070, including a retroactive contract with University of California – San Francisco (UCSF) which includes a 12 percent contingency for a total of $781,839 to support the project entitled "Expanded and Integrated Human Immunodeficiency Virus (HIV) Testing of Populations Disproportionately Affected by HIV (Primarily African Americans);" for the period of October 1, 2007 through September 30, 2010.

ADOPTED

080440 [Grant to support technical assistance for an HIV/AIDS project - $215,928]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a new grant from the Bill and Melinda Gates Foundation in the amount of $215,928, including a retroactive contract with Public Health Foundation Enterprises, Inc. (PHFE) in the amount of $207,198, for the "China MSM: Technical Assistance" project; for the period of January 1, 2008 through December 31, 2008.

ADOPTED

080452 [Gift of up to $300,000 - private, Department of Public Health]
Resolution authorizing the Department of Public Health, Community Behavioral Health Services to retroactively accept a gift of Buprenorphine medication from Reckitt Benkiser Pharmaceuticals with a monetary value of up to $300,000 for the period of March 1, 2008 through August 31, 2008 for ongoing and new patients receiving Opiate Replacement Treatment in San Francisco. (Public Health Department)

ADOPTED

080476 [Grant funds to support nutrition services - $343,000]
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a three-year grant in the amount of $343,000 from the Vitamin Cases Consumer Settlement Fund to support the "Women's Nutritional Awareness Project," for the period of July 1, 2008 through June 30, 2011.

ADOPTED

Recommendations of the Rules Committee

080458 [Settlement of Claim - Christopher L. Blackstock- $40,000]
Resolution approving the settlement of the unlitigated claim filed by Christopher L. Blackstock against San Francisco for $40,000; claim was filed on September 13, 2007. (City Attorney)

ADOPTED

080378 [Appointment - Sweatfree Procurement Advisory Group- Jaime Crook]
Motion appointing Jamie Crook, term ending December 17, 2009, to the Sweatfree Procurement Advisory Group.

Jamie Crook, succeeding Christina Martinez, term expired, seat 4, must be member of the public, for the unexpired portion of a two-year term ending December 17, 2009.

APPROVED

080429 [Appointments - In-Home Supportive Services- Alice Wong, Sharon Brunn and Rosie Byers]

Motion appointing Alice Wong, Sharon Brunn and Rosie Byers, terms ending March 1, 2011, to the In-Home Supportive Services Public Authority.

Alice Wong, succeeding herself, term expired, seat 13, must be consumer at-large who is 18 years of age or older, for term ending March 1, 2011.
Sharon Brunn, succeeding herself, term expired, seat 3, must be consumer at-large over the age of 55, for term ending March 1, 2011.
Rosie Byers, succeeding herself, term expired, seat 12, must be member representating the bargaining unit of the union that represents IHSS independent providers, for term ending March 1, 2011.

APPROVED

080432 [Appointments - Bicycle Advisory Committee- Mark Hostenpiller and Jake Wegmann]

Motion appointing Mark Hostenpiller and Jake Wegmann, terms ending November 19, 2008, to the Bicycle Advisory Committee.

Mark Hostenpiller, succeeding Francisco Hernandez, term expired, seat 9, must be a nominee of District 9 Supervisor. The member must serve a two-year term or for the tenure of the Superivsor who nominated the member, whichever is shorter in duration, for term ending November 19, 2008.
Jake Wegmann, succeeding Hitesh Soneji, term expired, seat 6, must be a nominee of District 6 Supervisor. The member must serve a two-year term or for the tenure of the Superivsor who nominated the member, whichever is shorter in duration, for term ending November 19, 2008.

APPROVED

080433 [Appointments - Commission on the Aging Advisory Council- Lila McCarthy and Anna Maria Pierini]

Motion appointing Lila McCarthy and Anna Maria Pierini, terms ending March 31, 2010, to the Commission on the Aging Advisory Council, residency requirement waived.

Lila McCarthy, succeeding herself, term expired, seat 1, must be nominee of District 2 Supervisor, for a two-year term ending March 31, 2010.
Anna Maria Pierini, succeeding herself, term expired, seat 4, must be nominee of District 3 Supervisor, for a two-year term ending March 31, 2010 (residency requirement waived).

APPROVED

080454 [Settlement of Lawsuit - John Weatherspoon III- $5,150,000.00]

Ordinance authorizing settlement of the lawsuit filed by John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon against the City and County of San Francisco for $5,150,000.00; the lawsuit was filed on May 9, 2006 in San Francisco Superior Court, Case No. 452-083; entitled John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080455 [Settlement of Lawsuit - Marnix Van Ammers and Jean Walker- $70,000.00]

Ordinance authorizing settlement of the lawsuit filed by Marnix Van Ammers and Jean Walker against the City and County of San Francisco for $70,000.00; the lawsuit was filed on April 9, 2007 in the San Francisco Superior Court, Case No. 462-146; entitled Van Ammers, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080456 **[Settlement of Lawsuit - Jane Martin- $75,000]**

Ordinance authorizing settlement of the portion of the lawsuit filed by Aristides Cisneros and Shirley Kollman against the City and County of San Francisco for $75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080457 **[Settlement of Lawsuit - Margarita Hill- $55,000]**

Ordinance authorizing settlement of the lawsuit filed by Margarita Hill against the City and County of San Francisco for $55,000; the lawsuit was filed on December 12, 2006 in San Francisco Superior Court, Case No. 458664; entitled Margarita Hill v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080334 **[Settlement of Lawsuit - CCSF v. Pacific Gas & Electric Company, et al.]**

Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Gas and Electric Co., et al. on June 20, 2005, in San Francisco Superior Court, Case No. CGC-05-442416, entitled, City and County of San Francisco, a municipal corporation v. Pacific Gas and Electric Co., a corporation, Stacy and Witbeck/Esquivel, a joint venture, Stacy and Witbeck, Inc., a corporation, Esquivel Grading and Paving, Inc., a corporation, Bauman Landscape, Inc., a corporation, and DOES 1 to 25, inclusive. (City Attorney)

PASSED, ON FIRST READING

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

080359 **[Appropriating $6,593,103 for Officer Training, Inmate Housing Cost Overruns, and Compensatory Time Off for the Sheriff and Public Health Departments for Fiscal Year 2007-2008]**
Mayor

Ordinance de-appropriating $323,886 of General Fund and appropriating $600,000 of Sheriff Inmate Program Beginning Fund Balance, $269,044 of Peace Officer Training funds, and $5,400,173 of General Fund Reserve for peace officer training and cost overruns related to inmate housing and Compensatory Time Off in the Sheriff's Department, and jail health services in the Department of Public Health for a total appropriation of $6,593,103 for Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Excused: 2 - Alioto-Pier, McGoldrick

080444 **[Appropriating $275,237 of Beginning Fund Balance for Grievance Arbitration Expenses and Workers' Compensation Settlement Costs in the War Memorial for Fiscal Year 2007-2008]**
Mayor

Ordinance appropriating $275,237 of Beginning Fund Balance for Grievance Arbitration Expenses and Workers' Compensation Settlement Costs in the War Memorial for Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Recommendation of the Government Audit and Oversight Committee

080481 **[Settlement of Lawsuits - M-J SF Investments, LLC - $5,163]**
Supervisor Peskin

Ordinance authorizing settlement of two lawsuits filed by M-J SF Investments, LLC, against the City and County of San Francisco for $5,163 in costs to the City and County of San Francisco; the first lawsuit was filed on April 6, 2006, in San Francisco Superior Court, Case No. CGC-06-451001; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; the second lawsuit was filed on September 21, 2007, in San Francisco Superior Court, Case No. CPF-07-507496; entitled M-J SF Investments, LLC, et al., v. City and County of San Francisco, et al; other material terms of said settlement are set forth in the Settlement Agreement and Release of Claims contained in Board of Supervisors File No. 080481.

FINALLY PASSED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Recommendations of the Land Use and Economic Development Committee

071531 [Amending the Planning Code to include properties in the proposed Excelsior Alcohol Restricted Use District in the Fringe Financial Service Restricted Use District and making related Zoning Map Amendments]

Supervisor Sandoval

Ordinance amending San Francisco Planning Code Sections 249.35, 711, and 712 to include properties in the proposed Excelsior Alcohol Restricted Use District in the Fringe Financial Service Restricted Use District prohibiting new fringe financial services, as defined, with certain exceptions, including properties in the Assessor's Blocks fronting on both sides of Mission Street from Silver Avenue to the Daly City border; amending Special Use District Maps Numbers SU11 and SU12 of the Zoning Map of the City and County of San Francisco to define the boundaries of the Fringe Financial Service Restricted Use District; and making findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

080279 [Landmark Designation of 900 Innes Avenue (Shipwright's Cottage)]

Supervisor Maxwell

Ordinance designating 900 Innes Avenue (Shipwright's Cottage) as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

NEW BUSINESS

Recommendation of the City Operations and Neighborhood Services Committee

071294 [Climate change goals and action plan]

Supervisor Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 9, Sections 900 through 908, to establish City greenhouse gas emissions targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Recommendation of the Government Audit and Oversight Committee

080485 **[General Obligation Refunding Bonds]**
Mayor

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco General Obligation Refunding Bonds and authorizing the preparation, execution and delivery of a final official statement; acknowledging the receipt of certain information relating to such Refunding Bonds; ratifying the approvals and terms and conditions of a previous resolution; and related matters.

ADOPTED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Recommendation of the Land Use and Economic Development Committee

071674 **[Zoning - Amend Superseded Height and Bulk Provisions in the North Beach NCD]**
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 722.1 and the Zoning Control Table in Section 722 to delete building height and bulk provisions superseded by Ordinance No. 20-88 and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Recommendations of the Rules Committee

080423 **[Appointment, Planning Commission - Ron Miguel]**
Motion approving the Mayor's appointment of Ron Miguel to the Planning Commission term ending June 30, 2008. (Mayor)

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - March 25, 2008.)

APPROVED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

080430 [Confirming the reappointment of Thomas Mazzucco to the San Francisco Police Commission]
Mayor

Motion confirming the Mayor's nomination of, and reappointing, Thomas Mazzucco to the San Francisco Police Commission for a four-year term ending April 30, 2012.

(Section 4.109 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved. Transmittal date - March 28, 2008.)

APPROVED by the following vote:
Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

RECESS

The Board recessed at the hour of 2:46 p.m.

Reconvening of the Board

The Board reconvened at the hour of 4:06 p.m.

The following Supervisors were noted present: Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin - 8

Supervisor Sandoval was noted absent.

Supervisors Alioto-Pier and McGoldrick were previously excused.

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Supervisor Dufty introduced, welcomed and presented a Certificate of Honor to William F. Wilkinson.

SPECIAL ORDER 4:00 P.M.

070967 **[Public Hearing - Appeal of Minor Sidewalk Encroachment for 1166 Haight Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works, by its letter dated June 13, 2007, approving a request of Minor Sidewalk Encroachment Permit to construct a warped driveway ramp and two (2) planter boxes to encroach 3'-0" into the public sidewalk right-of-way (25% of the sidewalk width as allowed by Article 15, Section 723.2 of the Public Works Code) fronting the property at 1166 Haight Street to provide access to a proposed garage below grade. (Appellant: Raquel Fox.)

(Filed June 28, 2007; companion measure to Files 070968, 070969; District 5.)

Continued to July 29, 2008.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

(Only one of the following two motions should be approved.)

070968 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion disapproving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the Encroachment Permit.

Continued to July 29, 2008.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

070969 **[Minor Sidewalk Encroachment Permit Appeal for 1166 Haight Street]**

Motion approving the decision of the Director of Public Works' approval of a Minor Sidewalk Encroachment Permit at 1166 Haight Street and denying the appeal.

Continued to July 29, 2008.

Supervisor Mirkarimi, seconded by Supervisor Elsbernd, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

SPECIAL ORDER 4:00 P.M.

080460 **[Public Hearing - Conditional Use Appeal for 1575 South Van Ness Avenue]**

Hearing of persons interested in or objecting to the decision of the Planning Commission dated March 13, 2008, relating to the disapproval of a Conditional Use Authorization (Case No. 2007.1456C), under Planning Code Sections 703.3 and 703.4 to allow a Formula Retail Use paint store (dba ICI Paints) within a Moderate Scale (NC-3) Neighborhood Commercial District on property located at 1575 South Van Ness Avenue; Lot 027 in Assessor's Block 6571.

The Commission could not affirmatively vote to either approve or disapprove the application due to a 3-3 split on the Commission. In the absence of an affirmative action, the project is considered disapproved by the Commission. (Appellant: Paul R. Johnson on behalf of The Glidden Company dba ICI Paints.)

(Filed April 4, 2008; companion measure to Files 080461, 080462, 080463; District 9.)

The President inquired as to whether any member of the public wished to address the Board members.

Paul Johnson; Attorney for the appellant
male speaker; support of the appellant
Don Becker; support of the appellant
Matthew Grey; support of the appellant
Pat McKnown; support of the appellant
Ricardo Areno; support of the appellant
Bob Eacot; support of the appellant
John Wetner; support of the appellant
Kent Ante; support of the appellant

Tara Sullivan, Representative of the Planning Department, reviewed with the Board the Planning Department's recommendation with the Board members.

Leora Zestil; support of the Planning Commission
Rick Carp; support of the Planning Commission
Laura Reeds; support of the Planning Commission
Amy Sullivan; support of the Planning Commission
Julie Angelet; support of the Planning Commission
Kevin Kitner; support of the Planning Commission
Eric Qudzada; support of the Planning Commission
Judith Burkowitz; support of the Planning Commission

Rebuttal Period:
Paul Johnson; Attorney for the appellant

The President declared the public hearing closed.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Hearing be FILED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

(Only one of the following two motions should be approved.)

080461 **[Disapproving Conditional Use Application for property located at 1575 South Van Ness Avenue]**

Motion approving decision of the Planning Commission disapproving Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Continued to May 6, 2008.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

080462 **[Approving Conditional Use Application for property located at 1575 South Van Ness Avenue]**

Motion disapproving decision of the Planning Commission disapproving Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Continued to May 6, 2008.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

080463 **[Findings - 1575 South Van Ness Avenue Conditional Use Application Appeal]**

Motion directing the Clerk to prepare findings related to the proposed Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

Continued to May 6, 2008.

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 8 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
Absent: 1 - Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

Pursuant to Government Code Section 65009, notice is hereby given: If you challenge the above matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described above, or in written correspondence delivered to the Board of Supervisors, (1 Dr. Carlton B. Goodlett Place, Room 244; San Francisco, CA 94102-4689) at, or prior to, the public hearing.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; expressed concern with various issues
Silvia Johnson; express concern with various issues
Eugene Gordon Jr.; expressed concern with various issues
John Di Donna; expressed concern with the various issues
Male speaker; expressed concern with China's government
Allen Zin; expressed concern with China's government
Male speakers; expressed concern with identification of voters

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080571 [Commendation of Lorraine Woodruff-Long]
Supervisors Elsbernd, Chu, Dufty

Resolution commending Lorraine Woodruff-Long for her service to San Francisco parents through the organization Parents for Public Schools of San Francisco.

Supervisors Chu and Dufty requested to be added as co-sponsors.
ADOPTED

080572 [Small Business Week - May 12 - 17, 2008]
Supervisors Dufty, Maxwell, Alioto-Pier, Chu

Resolution proclaiming May 12, 2008 to May 17, 2008 Small Business Week in San Francisco.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080573 [Commending Officer Daryl Deen on 24 years of service to the San Francisco Police Department]
Supervisor Dufty

Resolution commending San Francisco Police Department Officer Daryl Deen for 24 years of service.

ADOPTED

080574 **[Hepatitis B Free Week in San Francisco - May 10 - 17, 2008]**
Supervisor Chu

Resolution declaring May 10 – 17, 2008 Hepatitis B Free Week in the City and County of San Francisco.

ADOPTED

080575 **[State Grant to support the High Risk (Pest Exclusion) Program - $66,325]**
Supervisor Alioto-Pier

Resolution authorizing the San Francisco Department of Public Health (DPH), to retroactively accept and expend funds from the California Department of Food and Agriculture (CDFA) in the amount of $66,325 in support of the High Risk (Pest Exclusion) Program, for the period of July 1, 2007 through June 30, 2008.

ADOPTED

080532 **[Proclaiming May 1, 2008 to be International Workers' Day, affirming San Francisco as a Sanctuary City, and urging the Congress of the United States to repeal the REAL ID Act of 2005]**
Supervisors Sandoval, Ammiano

Resolution proclaiming May 1, 2008 to be International Workers' Day, affirming San Francisco as a Sanctuary City, and urging the Congress of the United States to repeal the REAL ID Act of 2005.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 9 - Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Excused: 2 - Alioto-Pier, McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080514 **[Increasing Street Artist Certificate Fee and Increasing Rate of Compensation of the Advisory Committee of Street Artists and Crafts Examiners]**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners, and making environmental findings. (Arts Commission)

4/15/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 5/22/2008. 04/29/08 - Referred to the Small Business Commission for review and comment. 04/29/08 - Referred to Planning for determination of environmental impact.

PROPOSED RESOLUTIONS

080515 **[Lease of Real Property at 1 Dr. Carlton B. Goodlett Place, North Light Court]**
Resolution authorizing the lease of 2,400 square feet of space to Juma Ventures, Inc., a California non-profit corporation, in City Hall located at 1 Dr. Carlton B. Goodlett Place. (Real Estate Department)
4/21/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 5:28 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, May 6, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

F
90
29
5/6/08

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

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PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisors Alioto-Pier, Maxwell, McGoldrick and Mirkarimi were noted absent.

There was a quorum present.

Supervisors Alioto-Pier, Maxwell, McGoldrick and Mirkarimi were noted present at 2:06 p.m.

COMMUNICATIONS

Angela Calvillo, Clerk of the Board informed the Board that she was in receipt of a communication from the Mayor indicating that he was vetoing legislation contained in File No. 071596, which would make additional public meetings held in City Hall hearing rooms accessible to the general public on the internet.

This matter will be agendized at the May 13, 2008 Board meeting for Board action.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

080467 **[Lease of Real Property at 68 12th Street, Suite 200B]**

Resolution authorizing the Director of Property to exercise a three-year extension option for a lease of real property located at 68 12th Street, Suite 200B, for the Department of Public Health, Emergency Medical Services, effective retroactively to July 1, 2007. (Real Estate Department)

ADOPTED

080468 **[Lease of Real Property at 1360 Mission Street, Suite 401]**

Resolution authorizing the Director of Property to exercise an extension option for a three-year term for the lease of real property located at 1360 Mission Street, Suite 401, for the Department of Public Health retroactively to January 1, 2008. (Real Estate Department)

ADOPTED

Recommendation of the Land Use and Economic Development Committee

071674 [Zoning - Amending Superseded Height and Bulk Provisions in the North Beach NCD]
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 722.1 and the Zoning Control Table in Section 722 to delete building height and bulk provisions superseded by Ordinance No. 20-88 and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

080334 [Settlement of Lawsuit - CCSF v. Pacific Gas & Electric Company, et al. - $357,036.43]
Ordinance authorizing settlement of the lawsuit filed by the City and County of San Francisco against Pacific Gas and Electric Co., et al. on June 20, 2005, in San Francisco Superior Court, Case No. CGC-05-442416, entitled, City and County of San Francisco, a municipal corporation v. Pacific Gas and Electric Co., a corporation, Stacy and Witbeck/Esquivel, a joint venture, Stacy and Witbeck, Inc., a corporation, Esquivel Grading and Paving, Inc., a corporation, Bauman Landscape, Inc., a corporation, and DOES 1 to 25, inclusive. (City Attorney)

FINALLY PASSED

080454 [Settlement of Lawsuit - John Weatherspoon III- $5,150,000.00]
Ordinance authorizing settlement of the lawsuit filed by John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon against the City and County of San Francisco for $5,150,000.00; the lawsuit was filed on May 9, 2006 in San Francisco Superior Court, Case No. 452-083; entitled John Weatherspoon III, by and through his Guardian Ad Litem, Barbara Weatherspoon v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080455 [Settlement of Lawsuit - Marnix Van Ammers and Jean Walker- $70,000.00]
Ordinance authorizing settlement of the lawsuit filed by Marnix Van Ammers and Jean Walker against the City and County of San Francisco for $70,000.00; the lawsuit was filed on April 9, 2007 in the San Francisco Superior Court, Case No. 462-146; entitled Van Ammers, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080456 [Settlement of Lawsuit - Jane Martin- $75,000]
Ordinance authorizing settlement of the portion of the lawsuit filed by Aristides Cisneros and Shirley Kollman against the City and County of San Francisco for $75,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080457 [Settlement of Lawsuit - Margarita Hill- $55,000]
Ordinance authorizing settlement of the lawsuit filed by Margarita Hill against the City and County of San Francisco for $55,000; the lawsuit was filed on December 12, 2006 in San Francisco Superior Court, Case No. 458664; entitled Margarita Hill v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

(Only one of the following two motions should be approved.)

080461 **[Disapproving Conditional Use Application for property located at 1575 South Van Ness Avenue]**
Motion approving decision of the Planning Commission disapproving Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

Supervisor Ammiano, seconded by Supervisor Chu, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick

080462 **[Approving Conditional Use Application for property located at 1575 South Van Ness Avenue]**
Motion disapproving decision of the Planning Commission disapproving Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

Supervisor Ammiano, seconded by Supervisor Alioto-Pier, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick

Supervisor Ammiano, seconded by Supervisor Chu, moved that this Motion be APPROVED AS AMENDED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick

080463 **[Findings - 1575 South Van Ness Avenue Conditional Use Application Appeal]**
Motion directing the Clerk to prepare findings related to the proposed Conditional Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.

Supervisor Ammiano, seconded by Supervisor Chu, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 1 - Peskin
Absent: 1 - McGoldrick

Recommendation of the City Operations and Neighborhood Services Committee

071294 [Climate change goals and action plan]
Supervisor Mirkarimi

Ordinance amending the San Francisco Environment Code by adding Chapter 9, Sections 900 through 908, to establish City greenhouse gas emissions targets and departmental action plans, to authorize the Department of the Environment to coordinate efforts to meet these targets, and to make environmental findings.

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Budget and Finance Committee

080544 [Approve SOMA Community Stabilization Fund Strategic Plan]
Resolution approving the SOMA Community Stabilization Fund 2008 Strategic Plan. (Mayor)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

080232 [Planning Code-Deadline Extension for Medical Cannabis Dispensary Permitting]
Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 790.141, and 890.133 to extend the time period for certain medical cannabis dispensaries to obtain a permit from March 1, 2008 to January 21, 2009; and making findings, including General Plan, Planning Code Section 101.1(b) and environmental findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

071669 [Planning -Haight Street Neighborhood Commercial District - Full-Service Restaurants]
Supervisor Mirkarimi

Ordinance amending Planning Code Sections 719.1 and 781.9 concerning the Haight Street Neighborhood Commercial District to provide for up to four new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080223 [Street Encroachments on Ocean Avenue at Granada Avenue]
Supervisor Sandoval

Resolution granting revocable permission to San Francisco Arts Commission to occupy a portion of the public right-of-way to install and maintain two mosaic sun spheres, one three feet, and one four feet in diameter near the northeasterly and southwesterly corners of Ocean Avenue and Granada Avenue, and making environmental findings and findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

080477 [Waiver of temporary street space occupancy fee on May 17, 2008 for Small Business Week Sidewalk Sale]
Supervisor Dufty

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 17, 2008 as part of Small Business Week.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Walter; expressed concern with various issues
James Chaffee; expressed concern with issues relating to the SF Public Library
Peter Warfield; expressed concern with issues relating to the SF Public Library
Richard McGee; expressed concern with issues relating to US patent infringements
Frank; expressed concern with issues relating to the police
Robin Crop; expressed concern with issues relating to lime disease
Cathy Dill; expressed concern with issues relating to lime disease

CLOSED SESSION

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved to convene in Closed Session. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080595 **[Closed Session - Telephone Users Tax and the 911 Wireless Fee]**

Motion that the Board of Supervisors convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following matters:

(a) a ruling filed on April 29, 2008 by the California Court of Appeal in Bay Area Cellular Telephone Company et al., v. City of Union City, (Case No. A114956) that may result in litigation involving the City related to the Emergency Response Fee in San Francisco - Business and Tax Regulations Code Section 750, et seq.; and

(b) pending litigation in the Los Angeles, CA Superior Court: Tracfone Wireless Inc. v. City of Los Angeles, (Case No. BC 363735) and Tracfone Wireless Inc. v. County of Los Angeles, (Case No. BC 357628) that may result in litigation involving the City related to the Telephone Users Tax in San Francisco - Business and Tax Regulations Code Section 701, et seq.

Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(2) permit this closed session because discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the potential litigation. (City Attorney)

The Board recessed at the hour of 3:05 p.m. to convene in closed session pursuant to the above motion.

Calling the Roll

The following Supervisors were noted present:
Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Persons in attendance:
Cheryl Adams, Deputy City Attorney
Julie Van Nostern, Deputy City Attorney
Tom Long, Deputy City Attorney
Phil Ginsburg, Mayor's Chief of Staff
Ben Rosenfeld, Controller
Angela Calvillo, Clerk of the Board
Victor Young, Assistant Clerk

Reconvening of the Board

The Board at the hour of 3:55 p.m. reconvened.

Matter was heard in Closed Session and Filed.

HEARD IN CLOSED SESSION by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

[Elect Not to Disclose]

Motion that the Board finds that it is in the best interest of the public that the Board elect at this time not to disclose its closed session deliberations concerning the existing litigation listed above.

Supervisor Ammiano, seconded by Supervisor Elsbernd, moved not to disclose its Closed Session Deliberations. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080597 [Supporting Assembly Bill 3034, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century]

Supervisors Peskin, Dufty, Mirkarimi, Elsbernd, Daly, Ammiano, Maxwell, McGoldrick, Sandoval, Chu, Alioto-Pier

Resolution supporting Assembly Bill 3034, the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.

Supervisor Alioto-Pier requested to be added as a co-sponsor.

ADOPTED

080551 [Final Map - 301-315 Mission Street and 101-129 Fremont Street]

Motion approving Final Map 4146, a 420 Residential Unit and 8 Commercial Unit Mixed-Use Condominium Project, located at 301 – 315 Mission Street and 101 – 129 Fremont Street being a subdivision of Lot 001 and 017 in Assessors Block No. 3719 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,503; District 6.)

APPROVED

080552 [Final Map - 2405-2407 Folsom Street]

Motion approving Final Map 4751, a 6 Unit Residential and 4 Unit Commercial Mixed-Use Condominium Project, located at 2405 – 2407 Folsom Street being a subdivision of Lot 042 in Assessors Block No. 3612 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,505; District 9.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from adoption without committee reference

080598 **[Urging the California State Assembly to support the passage of Assembly Bill 2153]**
Supervisor Ammiano

Resolution urging the California State Assembly to support the passage of Assembly Bill 2153 and directing the City's lobbyist to work towards this end.

Supervisor Chu requested that this matter be severed so that it might be considered separately.

Continued to May 13, 2008.

Supervisor Chu, seconded by Supervisor Mirkarimi, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080599 **[Gift to City of travel from San Francisco Chamber of Commerce for 2008 CityTrip]**
Supervisor Peskin

Resolution accepting a gift of airfare, accommodations, and conference fees valued in an amount of $6,500 from the San Francisco Chamber of Commerce for two City officials or employees to join the Chamber of Commerce on its 2008 CityTrip to Los Angeles.

Supervisor Daly requested that this matter be severed so that it might be considered separately.

REFERRED to the Government Audit and Oversight Committee.

080600 **[Declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District]**
Mayor, Supervisors Ammiano, Dufty

Resolution declaring the City's intention to appropriate available Rainy Day Reserve funds to the San Francisco Unified School District, to help the District cope with the loss of State funding for the 2008-2009 school year.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

080581 **[Approval of Fifth Amendment to Agreement with Serco Inc. for parking meter collection and management services, to extend the term by two years and increase the contract amount by $7,000,000]**

Resolution approving the Fifth Amendment to the Agreement between Serco Management Systems, Inc. and the City and County of San Francisco, through the San Francisco Municipal Transportation Agency. (Municipal Transportation Agency)

4/28/08, RECEIVED AND ASSIGNED to Government Audit and Oversight Committee.

080582 **[Approval of Agreement between the City and County of San Francisco and Serco, Inc. for Administrative Services in Support of the SFpark Project, for a contract term of two years and an amount not-to-exceed $23,000,000]**

Resolution approving the Agreement between the City and County of San Francisco and Serco, Inc. for Administrative Services in Support of the SFpark Project. (Municipal Transportation Agency)

080583 **[Official Advertising for FY 2008-2009]**

Resolution designating the Examiner the official newspaper of the City and County of San Francisco for all official advertising for Fiscal Year 08-09. (Office of Contract Administration)

4/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080584 **[Outreach Advertising for FY 2008-2009]**

Resolution designating San Francisco Bay View to be the outreach newspaper of the City and County for the African American community, and Asian Week to be the outreach newspaper of the City and County for the Chinese community, to provide outreach advertising services for Fiscal Year 08-09. (Office of Contract Administration)

4/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080585 **[Approval of the Mental Health Services Act Workforce Development Education and Training Three Year Program and Expenditure Plan]**

Resolution approving the Mental Health Services Act Workforce Development Education and Training Three Year Program and Expenditure Plan (WET Plan) and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

4/28/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:56 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

VOTES

MEETING MINUTES - DRAFT

5/13/08

Tuesday, May 13, 2008 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

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*AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL*

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.
MAY 15 2008
SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:05 p.m. On the call of the roll Supervisors Ammiano and Sandoval were noted absent.

There was a quorum present.

Supervisors Ammiano and Sandoval were noted present at 2:06 p.m.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Maxwell, moved to approve the April 1, 2008 and April 8, 2008 Board Meeting Minutes.. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the City Operations and Neighborhood Services Committee

080477 **[Waiver of temporary street space occupancy fee on May 17, 2008 for Small Business Week Sidewalk Sale]**
Supervisor Dufty

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 17, 2008 as part of Small Business Week.

FINALLY PASSED

080560 **[Grant to support the International Mobility of HIV study - $119,181]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $119,181 from the University of California, San Francisco (UCSF), to support a study entitled "International Mobility of HIV," for the period of September 30, 2007 through August 31, 2008.

ADOPTED

080561 [Funds to support HIV vaccine research - $139,432]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend retroactively a grant in the amount of $139,432 from the Public Health Foundation Enterprises (PHFE); for the period of January 1, 2008 through December 31, 2008.

ADOPTED

080562 [Grant to support the Safe Routes to School Project - $500,000]
Supervisors Elsbernd, Chu

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend funds from the California Department of Transportation (CalTrans) in the amount of $500,000 to support the Safe Routes to School Project, including one educational services consultant contract in the total amount of $135,541 for the period of September 1, 2008 through August 31, 2010; and to delegate authorization to execute these agreements and any amendments thereto to the Director of Public Health.

ADOPTED

Recommendation of the Land Use and Economic Development Committee

071669 [Planning - Haight Street Neighborhood Commercial District - Full-Service Restaurants]
Supervisor Mirkarimi

Ordinance amending Planning Code Sections 719.1 and 781.9 concerning the Haight Street Neighborhood Commercial District to provide for up to four new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

FINALLY PASSED

Recommendations of the Rules Committee

080509 [Settlement of Lawsuit - Debra Denise Reed - $65,000]
Ordinance authorizing settlement of the lawsuit filed by Debra Denise Reed against the City and County of San Francisco for $65,000; the lawsuit was filed on November 22, 2006 in San Francisco Superior Court, Case No. 458-146; entitled Debra Denise Reed, et al., v. City and County of San Francisco, et al (City Attorney)

PASSED, ON FIRST READING

080510 [Settlement of Lawsuit - Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422]
Ordinance authorizing settlement of the coordinated lawsuits, entitled Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422, filed by AMEC Construction Management, Inc. ("ACMI") against the City and County of San Francisco, and filed by the City and County of San Francisco and the People of the State of California ("San Francisco") against ACMI, its parent and sister companies, its Surety companies, and its bond broker. (City Attorney)

PASSED, ON FIRST READING

080546 **[Appointment - Western SOMA Citizens Planning Task Force - John Thomas Braun and Robert Knigge]**

Motion appointing John Thomas Braun and Robert Knigge, terms ending June 30, 2010, to the Western SOMA Citizens Planning Task Force.

John Thomas Braun, new appointment, seat 4, must be a youth residing in Western SOMA, for term ending June 30, 2010.
Robert Knigge, succeeding Matthew Furey, seat 5, term expired, must be raising a family in Western SOMA, for term ending June 30, 2010.

APPROVED

080554 **[Appointment - Sunshine Ordinance Task Force - Erica Craven, Richerd Knee, Sue Cauthen, Ketaki Gokhale, Allyson Washburn, Kristin Chu, Hanley Chan and Nicholas Goldman]**

Motion appointing Ketaki Gokhale, term ending April 27, 2009, Erica Craven, Richard Knee, Sue Cauthen, Allyson Washburn, Kristin Chu, Hanley Chan and Nicholas Goldman, terms ending April 27, 2010, to the Sunshine Ordinance Task Force, residency requirement waived.

Erica Craven, succeeding herself, term expired, seat 1, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be an Attorney, for a two-year terrm ending April 27, 2010.
Richard Knee, succeeding himself, term expired, seat 2, must be appointed from names submitted by the local chapter of the Society of Professional Journalists and be a Journalist, for a two-year term ending April 27, 2010.
Sue Cauthen, succeeding herself, term expired, seat 3, must be a member of the press or electronic media with an interest in citizen access, for a two-year term ending April 27, 2010.
Ketaki Gokhale, succeeding Pueng Vongs, resigned, seat 4, must be appointed from names submitted by New California Media and be a journalist from a racial/ethnic-minority-owned news organization. Task Force reorganized under Proposition G and seat number changed from 15 to 4, for an unexpired portion of a two-year term ending April 27, 2009.
Allyson Washburn, succeeding Kristin R. M. Chu, term expired, seat 5, must be appointed from names submitted by the League of Women Voters, for a two-year term ending April 27, 2010.
Kristin Chu, succeeding Bruce Wolfe, term expired, seat 8, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2010.
Hanley Chan, succeeding himself, term expired, seat 9, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2010 (residency requirement waived).
Nicholas Goldman, succeeding himself, term expired, seat 10, must be a member of the public who has demonstrated interest in or has experience in the issues of citizen access and participation in local government, for a two-year term ending April 27, 2010.

APPROVED

080555 **[Appointment - Peak Oil Preparedness Task Force - Cal Simone]**

Motion appointing Cal Simone, term ending October 5, 2008, to the Peak Oil Preparedness Task Force, residency requirement waived.

Cal Simone, succeeding Franz Cheng, resigned, seat 6, must represent the public at large, for the unexpired portion of a one-year term ending October 5, 2008 (residency requirement waived).

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

071596 **[Audio or video recording of public meetings held in City Hall hearing rooms]**
Supervisors Mirkarimi, Ammiano, Daly

Ordinance amending Section 67.14 of the Administrative Code to require that any public meeting held in a City Hall hearing room that is equipped with audio or video recording facilities be audio or video recorded and to further require that such audio or video recording be made available for review on the City's web site.

Motion to override the Mayor's Veto passed by the following vote:

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Chu, Elsbernd
FINALLY PASSED.

Recommendation of the Land Use and Economic Development Committee

080232 **[Planning Code - Deadline Extension for Medical Cannabis Dispensary Permitting]**
Supervisor Daly

Ordinance amending the San Francisco Planning Code by amending Sections 209.3, 217, 790.141, and 890.133 to extend the time period for certain Medical Cannabis Dispensaries to obtain a permit from March 1, 2008 to January 21, 2009; and making findings, including General Plan, Planning Code Section 101.1(b) and environmental findings.

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080464 **[Implementing a Deferred Retirement Option Program for certain members of the Police Department]**
Ordinance adding Sections 16.63 through 16.63-10 to the Administrative Code to implement the Deferred Retirement Option Program approved by the San Francisco voters. (Retirement System)

(Supervisor Daly dissented in Committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080565 **[Accept-Expend Federal Grant and Amend Annual Salary Ordinance, FY 2007-2008 - $307,375]**
Supervisor Mirkarimi

Ordinance authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $307,375 from the California Employment Development Department for workforce development activities, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080519 **[Accept-Expend Sidney E. Frank Foundation Grant and Amendment to the Annual Salary Ordinance, FY 2007-2008 - $200,000]**
Supervisor Alioto-Pier

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $200,000 from the Sidney E. Frank Foundation to carry out the critical task of engaging key stakeholders and interest groups to solicit input for a wave energy project and amending Ordinance Number 175-07 to reflect the addition of one (1) grant-funded position at the Department of the Environment.

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

080404 **[Appropriating $593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008]**
Mayor, Supervisor Chu

Ordinance appropriating $593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008. Place total appropriation of $593,490,962 on Controller's Reserve pending sale of the bonds.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080590 **[Airport Capital Plan Bonds - not to exceed $718,000,000]**
Supervisor Chu

Resolution approving the issuance of not to exceed $718,000,000 aggregate principal amount of San Francisco International Airport Second Series Revenue Bonds for the purpose of financing and refinancing the construction, acquisition, equipping and development of capital projects undertaken by the Airport constituting part of the Airport's capital plan.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080569 **[Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority relating to Yerba Buena Island Ramps - not to exceed $3,000,000]**
Mayor

Resolution authorizing a Memorandum of Agreement between the Treasure Island Development Authority and the San Francisco County Transportation Authority for project management services and consultant services for the preparation of a Project Report and Environmental Document for the Yerba Buena Island Ramps in an amount not to exceed $3,000,000.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080325 **[Contract between the Department of Health and the California Department of Health Care Services for the Health Care Coverage Initiative in the amount of $73.1 million over a three-year period in support of the Healthy San Francisco program]**
Mayor

Resolution authorizing the Director of Health to enter into a contract with the California Department of Health Care Services to provide reimbursement for health services costs incurred in providing services to specified Healthy San Francisco participants under the Health Care Coverage Initiative in the amount of $73.1 million.

ADOPTED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080592 [Appropriating $273,015,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power project for Fiscal Year 2007-2008]
Supervisors Maxwell, Peskin

Ordinance appropriating $273,015,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Supervisor Alioto-Pier dissented in committee.)
(Fiscal Impact.)

Continued to May 20, 2008

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080523 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets]
Supervisors Maxwell, Dufty, McGoldrick, Peskin

Ordinance approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco including a turbine upgrade agreement and electric and gas interconnection agreements and granting specified exceptions to the Administrative Code.

(Fiscal Impact.)
(Supervisor Alioto-Pier dissented in committee.)

Continued to May 20, 2008

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080577 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets and adopting environmental findings]
Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco, including a design-build agreement and a power purchase agreement; and approving property agreements, including a jurisdictional transfer of property to accommodate the proposed projects, subject to further agreements among the affected City departments; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Continued to May 20, 2008

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080524 **[Authorizing the execution and delivery of certificates of participation to finance the San Francisco Combustion Turbine Projects and approving property leases, project leases and a trust agreement in connection therewith]**

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, construction, installation and equipping of natural gas-fired combustion turbine generation facilities on City-owned property located at 25th and Maryland Street in the Potrero neighborhood and at the San Francisco International Airport at the corner of North Access Road and Clearwater Drive; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the forms of property leases between the City and the trustee relating to the Potrero site and to the San Francisco International Airport site; approving the forms of project leases between the trustee and the City (including certain indemnities contained therein) relating to each of the two Projects; approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; and ratifying previous actions taken in connection therewith.

(Supervisor Alioto-Pier dissented in committee.)

Continued to May 20, 2008

Supervisor Maxwell, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080447 **[Adopting the State of California's Energy Priorities]**

Supervisor Alioto-Pier

Resolution adopting the State of California's Energy Priorities as stated in the Energy Action Plan of 2003 and Energy Action Plan II of 2005 which are, in the following order, energy efficiency and demand response, renewable energy and lastly, clean fossil generation.

(5/5/08 - Amendment of the Whole.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

COMMITTEE REPORTS

080626 **[Public Works Week - May 18 - 24, 2008]**
Supervisor McGoldrick

Resolution declaring May 18 through May 24, 2008 as Public Works Week.

ADOPTED

080627 **[Commending AcroSports]**
Supervisor McGoldrick

Resolution commending AcroSports on their 15 years of service to the community.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference to Committee Agenda

Supervisor Chu requested that this matter be severed so that it might be considered separately.

080598 **[Urging the California State Assembly to support the passage of Assembly Bill 2153]**
Supervisor Ammiano

Resolution urging the California State Assembly to support the passage of Assembly Bill 2153 and directing the City's lobbyist to work towards this end.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

080570 **[Accept gift to the Fire Department - $27,551]**

Resolution accepting a gift to the Fire Department from the Fireman's Fund Insurance Company Heritage Program of equipment and materials for the Department's Division of Training Resource Library valued at $27,551. (Fire Department)

5/1/08, RECEIVED AND ASSIGNED to City Operations and Neighborhood Services Committee.

080504 **[Petitions and Communications]**

Petitions and Communications received from April 29, 2008 through May 5, 2008 for reference by the President to May 13, 2008.

From concerned citizens, commenting on unsoliciated print publications and plastic bags littering problem. File 080380, Copy: Each Supervisor, 24 letters. (1)

From Employees' Retirement System, submitting a second draft of the ordinance implementing the Deferred Retirement Option Program (DROP). File 080464. (2)

From concerned citizens, urging the Board to disapprove ICI Paints application for a Conditional Use permit on property located at 1575 South Van Ness Avenue. File 080460, 13 letters. (3)

From Alvin Johnson, submitting various comments and concerns. 3 letters. (4)

From Edward Griffin, submitting an article from San Francisco Chronicle regarding the legislation on enclosure of garbage receptacles. (5)

From concerned citizens, urging the Board to hold hearings to evaluate the purposes and practices of the San Francisco Zoo. File 080031, Copy: Each Supervisor, 14 letters. (6)

From concerned organizations, submitting support for the resolution approving the SOMA Community Stabilization Fund 2008 Strategic Plan. File 080544, Copy: Each Supervisor, 3 letters. (7)

From Kimo Crossman, regarding his request to Angela Calvillo, Clerk of the Board to attend the April 22, 2008 Sunshine Ordinance Task Force Meeting. (8)

From Franzi Latko, submitting various comments regarding to City holidays. (9)

From Christian Holmer, commenting on various issues and concerns. 2 letters. (10)

From Mayor Newsom, designating various Supervisors as Acting-Mayor from 11:00a.m. on Thursday, May 1, 2008 until 3:00p.m. on Thursday, May 8, 2008. Copy: Each Supervisor. (11)

From concerned citizens, urging the Board to implement the Community Choice Solar Power. File 080523, Copy: Each Supervisor, 11 letters. (12)

From Office of the Controller – City Services Auditor, submitting a report of the Human Services Agency: Care Not Cash Is Achieving Its Goals. (13)

From Richard Muller, urging the Board to pass the ordinance amending the Planning Code to extend time for certain medical cannabis dispensaries to obtain a permit. File 080232, Copy: Each Supervisor. (14)

From Kimo Crossman, submitting a letter to Compliance and Amendment Committee regarding electric formats of paper documents. (15)

From Amanda Coggin, commenting on proposed tennis court fees increases at Golden Gate Park. (16)

From Eric Reed, submitting a letter to The Examiner regarding delivery of unwanted newspapers. (17)

From The Examiner, responding to an inquiry regarding delivery of unwanted newspapers. (18)

From Office of Citizen Complaints, submitting 2008 First Quarter Statistical Report. Copy: Each Supervisor. (19)

From Kimo Crossman, commenting on David Pilpel's reappointment to the Sunshine Ordinance Task Force. File 080554, Copy: Each Supervisor. (20)

From San Francisco International Airport, submitting herewith the Airport Commission overtime justifications report for its employees from July 1, 2007 and March 21, 2008. File 080441. (21)

From Office of the Clerk of the Board, submitting a list of organizations, including the membership cost, in which the Board of Supervisors/Clerk of the Board's Office, wishes to be a member in Fiscal Year 2008-09. (22)

From Planning Department, regarding City Combustion Turbine Project Ordinance review. File 080523. (23)

From Dr. Ahimsa Porter Sumchai, commenting on various issues and concerns. (24)

From Alan E. Rice, submitting a letter to Department of Parking and Traffic regarding parking citation. (25)

From U.S. Army Corps of Engineers, submitting a public notice regarding Project: Old Arcata Road/Myrtle Avenue Widening & Rehabilitation. (26)

From Office of the Treasurer/Tax Collector, submitting the Cash difference and Overage Fund balance and activities for the month of March of 2008. (27)

From Office of the Treasurer/Tax Collector, submitting the Cash difference and Overage Fund balance and activities for the month of April of 2008. (28)

From Janice Graham, submitting a letter to Mayor Newsom commenting on parking issues for teachers. (29)

From Office of the Controller – City Services Auditor, submitting a report of Faulty Payment Controls Prevent Accurate Tax Reporting for Some Employees and City Vendors. Copy: Each Supervisor. (30)

From Municipal Transportation Agency, submitting herewith the Department of Parking and Traffic overtime justification report for its employees from July 1, 2007 through March 7, 2008. File 080441. (31)

From concerned citizens, commenting on aerial spraying of the Little Brown Apple Moth. (32)

From Municipal Transportation Agency, responding to Supervisor Elsbernd's inquiry regarding the feasibility of converting Lawton Street and 16th Avenue, between Funston and Noriega Streets, to one-way streets. (Reference 20080415-003). (33)

From Ann Garrison, submitting various definitions for natural gas. (34)

From Health Commission, regarding Health Commission Resolution # 09-08, approving the submission of the Department of Public Health's FY 2008-2009 budget. (35)

From Gail Moore, urging the Board to adopt proposed legislation on Unsolicited Print Publications – Stop Distribution Notice. File 080380, Copy: Each Supervisor. (36)

From Barbara Fedun, submitting support on ICI Paints' application for a Conditional Use permit on property located at 1575 South Van Ness Avenue. File 080460. (37)

From 3-1-1 Customer Service Center, responding to Supervisor Sandoval's inquiry regarding Customer Service Center's procedures for referring violations of the Planning Code. (Reference 20080401-001) (38)

From David Mitchell, commenting on California Workers' Compensation System. (39)

From Elaine Collins, commenting on garbage receptacles pick-up time. (40)

From Mayor Newsom, submitting a veto letter regarding the expanded audio and video recording ordinance. File 071596, Copy: Each Supervisor. (41)

From Supervisor Maxwell, submitting a letter to Mayor Newsom regarding funding for the Office of Labor Standards Enforcement (OLSE) and its programs. Copy: Each Supervisor. (42)

From Veterans Affairs Commission, requesting immediate action to reprimand Commissioner John Caldera and consider his removal from the Commission. Copy: Supervisor Peskin. (43)

From State of California Fish and Game Commission, submitting a copy of the continuation notice of proposed regulatory action relating to Central Valley Chinook salmon sport fishing. (44)

From State of California Fish and Game Commission, submitting a copy of the notice of proposed regulatory action relating to Prawn and Shrimp Trawling. (45)

From concerned citizens, commenting on various issues regarding public safety. Copy: Each Supervisor, 2 letters. (46)

From Potrero Boosters Neighborhood Association, submitting a letter to Mayor Newsom regarding Electricity Reliability Project. File 080592, Copy: Each Supervisor. (47)

From concerned citizens, commenting on Below Market Rate Condominium Conversion Program. File 080520, Copy: Each Supervisor, 2 letters. (48)

From Commissioner John Caldera, submitting a letter to Supervisor Peskin regarding refuting a letter drafted by Wallace Levin, President of Veterans Affairs Commission. Copy: Each Supervisor. (49)

From Gwen Loeb, commenting on Yerba Buena Center for the Arts (YBCA) exhibition. (50)

From George Davis, submitting a letter to Captain James Dudley regarding Police Department complaint. (51)

From Paula M. Bartunek, submitting a letter to Municipal Transportation Agency regarding proposed elimination of MUNI line 66 Quintara. (52)

From Precita Valley Neighbors, submitting opposition regarding the Solar Incentive Program. File 080425. (53)

From Alliance for a Better District 6, submitting support for the Safety Network Partnership. (54)

From concerned citizens, commenting on David Pilpel's Prepared Testimony for the Board of Supervisors Rules Committee. File 080554, Copy: Each Supervisor, 2 letters. (55)

From Stradling Yocca Carlson & Rauth, regarding California Community College Financing Authority, Community College League of California Tax and Revenue Anticipation Note Program, Series 2008A, San Francisco Community College District. (56)

APPOINTMENT BY THE MAYOR

Film Commission
Marlene Saritzky

Police Commission
Thomas Mazzucco

Planning Commission
Ron Miguel

ADJOURNMENT

There being no further business the Board adjourned at the hour of 3:52 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, May 20, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

MAY 23 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present:	Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:04 p.m. On the call of the roll Supervisor Maxwell were noted absent.

There was a quorum present.

Supervisor Maxwell were noted present at 2:06 p.m.

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

080519 [Accept-Expend Sidney E. Frank Foundation Grant and Amendment to the Annual Salary Ordinance, FY 2007-2008 - $200,000]
Supervisor Alioto-Pier

Ordinance authorizing the Department of the Environment to accept and expend a grant in the amount of $200,000 from the Sidney E. Frank Foundation to carry out the critical task of engaging key stakeholders and interest groups to solicit input for a wave energy project and amending Ordinance Number 175-07 to reflect the addition of one (1) grant-funded position at the Department of the Environment.

FINALLY PASSED

080565 [Accept-Expend Federal Grant and Amend Annual Salary Ordinance, FY 2007-2008 - $307,375]
Supervisor Mirkarimi

Ordinance authorizing the Department of Economic and Workforce Development to retroactively accept and expend a grant in the amount of $307,375 from the California Employment Development Department for workforce development activities, and amending the Annual Salary Ordinance to provide for the creation of certain grant-funded positions.

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

080601 [Waiver of temporary street space occupancy fee on May 17, 2008 for Small Business Week Sidewalk Sale]
Supervisors Elsbernd, Chu

Ordinance waiving the fee in Public Works Code Section 724.1(b) for temporary street space occupancy in certain sections of the City on Saturday, May 17, 2008 as part of Small Business Week.

FINALLY PASSED

Recommendation of the Government Audit and Oversight Committee

080404 [Appropriating $593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008]
Mayor, Supervisor Chu

Ordinance appropriating $593,490,962 of proceeds from the sale of bonds for capital improvement projects at the San Francisco International Airport for Fiscal Year 2007-2008. Place total appropriation of $593,490,962 on Controller's Reserve pending sale of the bonds.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the Rules Committee

080509 [Settlement of Lawsuit - Debra Denise Reed - $65,000]
Ordinance authorizing settlement of the lawsuit filed by Debra Denise Reed against the City and County of San Francisco for $65,000; the lawsuit was filed on November 22, 2006 in San Francisco Superior Court, Case No. 458-146; entitled Debra Denise Reed, et al., v. City and County of San Francisco, et al (City Attorney)

FINALLY PASSED by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080510 [Settlement of Lawsuit - Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422]
Ordinance authorizing settlement of the coordinated lawsuits, entitled Jail No. 3 Replacement Project Cases, San Mateo County, JCCP Case No: 4422, filed by AMEC Construction Management, Inc. ("ACMI") against the City and County of San Francisco, and filed by the City and County of San Francisco and the People of the State of California ("San Francisco") against ACMI, its parent and sister companies, its Surety companies, and its bond broker. (City Attorney)

FINALLY PASSED

The foregoing items were acted upon by the following vote:
Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendation of the Budget and Finance Committee

080464 [Implementing a Deferred Retirement Option Program for certain members of the Police Department]

Ordinance adding Sections 16.63 through 16.63-10 to the Administrative Code to implement the Deferred Retirement Option Program approved by the San Francisco voters. (Retirement System)

(Supervisor Daly dissented in Committee.)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Recommendations of the Government Audit and Oversight Committee

080592 [Appropriating $273,015,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power project for Fiscal Year 2007-2008]

Supervisors Maxwell, Peskin

Ordinance appropriating $273,015,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Supervisor Alioto-Pier dissented in committee.)
(Fiscal Impact.)

Continued as amended to June 3, 2008

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080523 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Ordinance approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco including a turbine upgrade agreement and electric and gas interconnection agreements and granting specified exceptions to the Administrative Code.

(Fiscal Impact.)
(Supervisor Alioto-Pier dissented in committee.)

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd, seconded by Supervisor Chu, moved to amend further and continue this item as amended to June 3, 2008.
Continued to June 3, 2008

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080577 [Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets and adopting environmental findings]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco, including a design-build agreement and a power purchase agreement; and approving property agreements, including a jurisdictional transfer of property to accommodate the proposed projects, subject to further agreements among the affected City departments; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Supervisor Elsbernd, seconded by Supervisor Chu, moved to amend further and continue this item as amended to June 3, 2008.
Continued to June 3, 2008

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080524 [Authorizing the execution and delivery of certificates of participation to finance the San Francisco Combustion Turbine Projects and approving property leases, project leases and a trust agreement in connection therewith]

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, construction, installation and equipping of natural gas-fired combustion turbine generation facilities on City-owned property located at 25th and Maryland Street in the Potrero neighborhood and at the San Francisco International Airport at the corner of North Access Road and Clearwater Drive; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the forms of property leases between the City and the trustee relating to the Potrero site and to the San Francisco International Airport site; approving the forms of project leases between the trustee and the City (including certain indemnities contained therein) relating to each of the two Projects; approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; and ratifying previous actions taken in connection therewith.

(Supervisor Alioto-Pier dissented in committee.)

Continued as amended to June 3, 2008

Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Elsbernd, seconded by Supervisor Chu, moved that this Resolution be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

NEW BUSINESS

Recommendation of the Budget and Finance Committee

080568 **[Refunding or Conversion of Laguna Honda Variable Rate Demand General Obligation Bonds, Series 2005B, Series 2005C and Series 2005D-$120,000,000]**
Mayor

Ordinance approving the form and authorizing the execution of refunding bonds to refinance, in whole and/or in part, the $120,000,000 City and County of San Francisco Variable Rate Demand General Obligation Bonds (Laguna Honda Hospital, 1999) Series 2005B, Series 2005C and 2005D (the "Prior Variable Rate Bonds") or approving the conversion of said bonds; approving the form and authorizing the execution of a Declaration of Trust relating to the refunding bonds; approving the tax levy for repayment of the refunding bonds; authorizing the appointment of the Treasurer as paying agent and the appointment of agents for the refunding bonds; authorizing the form of an Official Notice of Sale and Notice of Intention to Sell, and authorizing the City's compliance with a Continuing Disclosure Agreement relating to the refunding bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of an Official Statement in preliminary and final form and authorizing the execution and delivery of a final Official Statement relating to the refunding bonds; approving the execution of a Bond Purchase Contract and authorizing the appointment of underwriters relating to the converted bonds; approving the form of an Official Statement Supplement in final form and authorizing the execution and delivery of a final Official Statement Supplement relating to the converted bonds; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take all necessary action in connection with the authorization, issuance, sale and delivery of said bonds or the conversion of said bonds.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Government Audit and Oversight Committee

080506 **[Declaration of intent to transfer the duties of the Taxi Commission to the Municipal Transportation Agency]**
Supervisor Peskin

Resolution declaring the intent of the Board of Supervisors to transfer the duties of the Taxi Commission to the Municipal Transportation Agency.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Land Use and Economic Development Committee

080338 **[Zoning Map Amendments in connection with the Bayview Hunters Point Area Plan]**

Ordinance amending Zoning Map Sheets 8, 9, 10, and 10 SU of the City and County of San Francisco Planning Code to replace various M-1 and M-2 zones with PDR-1, PDR-2, and special use district designations in the South Basin and Northern Industrial areas of the Bayview Hunters Point Study Area, consistent with the Bayview Hunters Point Area Plan; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080339 **[Bayview Rezoning]**

Ordinance amending the Planning Code by adding Sections 121.5, 121.7, 210.7, 210.8, 210.9, 230 and 249.32 and amending Sections 204.3, 204.4, 210, 210.6, and 213 through 227 to create a new Design and Development Special Use District and modify the existing M (Industrial) Districts to establish PDR-1 (Light Industrial Buffer) and PDR-2 (Production, Distribution and Repair) Districts and specify the use controls for activities in the PDR Districts, which generally will principally permit light manufacturing, wholesale and repair activities, prohibit or require a conditional use permit for heavy industry, prohibit housing, limit the size of retail and office uses, place controls on subdivision of large lots, provide accessory use guidelines and regulate the demolition of industrial buildings. (Planning Department)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor McGoldrick, seconded by Supervisor Dufty, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor McGoldrick welcomed, introduced and presented a Certificate of Honor to the Director of Public Works in recognition of Public Works Week in San Francisco.

SPECIAL ORDER 4:00 P.M.

070910 **[Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether or not any member of the public wished to address the Board members.
Continued to June 3, 2008

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to June 3, 2008

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to June 3, 2008

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to June 3, 2008

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

080593 **[Appropriating $1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008]**

Mayor

Ordinance appropriating $1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008.

(Fiscal Impact.)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Female speaker; expressed concern with issues relating to budgets cuts to the YMCA on Golden Gate Avenue
Richard Macree; expressed concern with issues relating to his patent for the Sigmund Grove design
Walter; shared memorabilia with the Board members
Eugene Gordon; Jr.; expressed concern with issues relating to the violation of human rights
Lizbet Sunshine; asked for support for the funding of California State Universities and Community Colleges
Alex Vegas; asked for support for the funding of California State Universities and Community Colleges
Seth Lawkins; expressed concern with issues relating to the proposed budget reductions cuts for Chinese medicine treatments for HIV patients
Peter Warfiled; expressed concern with issues relating to the collection of $115 for lost book fees collected by the SF Public Library
Ramon Castablanc; asked for support for the funding of California State Universities and Community Colleges
Male speaker; shared with the Board historicial information relating to San Francisco
Sam Young; expressed concern with issues relating to drug dealing, illegal alcohol usuage and prostitution on Broadway

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor McGoldrick was noted absent at 3:20 p.m.

080667 [90 day extension for Planning Commission review - Liquor Stores]
Supervisor Sandoval

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the Planning Code by adding Section 226.5 to impose a distance requirement of 500 feet or more between new off-sale liquor stores and existing liquor stores, schools, public libraries, and recreation centers and establishing conditions for operation of liquor stores.

ADOPTED

080668 [Commending Theresa Sparks, Joan Benoit, Joey Cain, Julius Turman, Marvin Burrows, Erick Arguello, Evan Low, and the Gay Asian Pacific Alliance on their selection as grand marshals for the 38th Annual San Francisco LGBT Pride Celebration and Parade]
Supervisors Sandoval, Ammiano

Resolution commending Theresa Sparks, Joan Benoit, Joey Cain, Julius Turman, Marvin Burrows, Erick Arguello, Evan Low, and the Gay Asian Pacific Alliance on their selection as grand marshals for the 38th Annual San Francisco LGBT Pride Celebration and Parade.

ADOPTED

080669 [Commending Kelly McMenimen, Elizabeth Rutzick, and Ian Tuller for their efforts to stop the proposed spraying for the Light Brown Apple Moth]
Supervisors Sandoval, Mirkarimi

Resolution commending Kelly McMenimen, Elizabeth Rutzick, and Ian Tuller for their efforts to stop the proposed spraying to eradicate the Light Brown Apple Moth and for their Stop the Spray Town Hall Meeting, which took place on Thursday, May 8, 2008.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080670 [Urging Governor Schwarzenegger and the State Legislature to restore funding for public higher education]
Supervisors Ammiano, Elsbernd, Dufty

Resolution expressing deep concern over the proposed budget cuts to the CSU and CCC systems and urging our Governor and Legislature to restore and reinvigorate funding for public higher education in California.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080671 [Peace Officers' Memorial Day and National Police Week]
Supervisor Alioto-Pier

Resolution declaring May 15 Peace Officers' Memorial Day and the week in which May 15 falls as National Police week.

Supervisor Chu requested to be added as a co-sponsor.
ADOPTED

080672 [Funds to support HIV rapid testing and counseling in drug abuse treatment programs - $18,676]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $18,676 from the University of California, San Francisco (UCSF), the primary contractor, with funds from the National Institutes of Health, to support a study of HIV rapid testing and counseling in drug abuse treatment programs, for the period of September 1, 2007 through August 31, 2008.

ADOPTED

080665 [Waiver permitting City employees to assist the Department of Elections with the June 3, 2008 election]
Supervisor Peskin

Motion granting a waiver from the prohibition imposed by Charter Section 13.104.5, to permit City employees to assist the Department of Elections with the June 3, 2008 election.

APPROVED

080666 [Adopting the Planning Department's report on the Interim Moratorium on Tobacco Paraphernalia Retail Stores]
Supervisor Sandoval

Motion adopting the Planning Department's report on the interim zoning moratorium to prohibit the establishment of new Tobacco Paraphernalia Retail Stores for 45 days.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

[Brown Act Finding]
Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Mirkarimi, seconded by Supervisor Ammiano, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

080681 [Proclaiming May 22, 2008 as John Muir School Teacher Appreciation Day]
Supervisor Mirkarimi

Resolution proclaiming May 22, 2008 as John Muir Elementary School Teacher Appreciation Day in honor of John Muir Elementary School's principal, teachers, and staff.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080628 [Settlement of Lawsuit - CCSF v. Competent Builders, Inc.]
Ordinance authorizing settlement of the lawsuit, entitled City and County of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148). (City Attorney)
5/6/08, RECEIVED AND ASSIGNED to Rules Committee.

080629 [Settlement of Lawsuit - Tamara Josi - $75,000]
Ordinance authorizing settlement of the lawsuit filed by Tamara Josi against the City and County of San Francisco for $75,000; the lawsuit was filed on May 9, 2007 in San Francisco Superior Court, Case No. 463219; entitled Tamara Josi, et al., v. City and County of San Francisco, et al. (City Attorney)
5/6/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS

080589 [Agreement to Accept the Dolores Hotel Located at 35-37 Woodward Street]
Resolution approving and authorizing the execution and performance of an Agreement to Transfer and an Irrevocable Assignment and Assumption Agreement and Amendment to Loan Documents relating to the property commonly known as Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the transfer is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)
5/12/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

ADJOURNMENT

There being no further business the Board adjourned at the hour of 4:15 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES - DRAFT

VOTES

Tuesday, June 3, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

JUN - 5 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved to approve the Board Meeting Minutes of April 22, 2008 and April 29, 2008.. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

COMMUNICATIONS

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080568 **[Refunding or Conversion of Laguna Honda Variable Rate Demand General Obligation Bonds, Series 2005B, Series 2005C and Series 2005D-$120,000,000]**

Mayor

Ordinance approving the form and authorizing the execution of refunding bonds to refinance, in whole and/or in part, the $120,000,000 City and County of San Francisco Variable Rate Demand General Obligation Bonds (Laguna Honda Hospital, 1999) Series 2005B, Series 2005C and 2005D (the "Prior Variable Rate Bonds") or approving the conversion of said bonds; approving the form and authorizing the execution of a Declaration of Trust relating to the refunding bonds; approving the tax levy for repayment of the refunding bonds; authorizing the appointment of the Treasurer as paying agent and the appointment of agents for the refunding bonds; authorizing the form of an Official Notice of Sale and Notice of Intention to Sell, and authorizing the City's compliance with a Continuing Disclosure Agreement relating to the refunding bonds; directing the publication of the Notice of Intention to Sell Bonds; approving the form of an Official Statement in preliminary and final form and authorizing the execution and delivery of a final Official Statement relating to the refunding bonds; approving the execution of a Bond Purchase Contract and authorizing the appointment of underwriters relating to the converted bonds; approving the form of an Official Statement Supplement in final form and authorizing the execution and delivery of a final Official Statement Supplement relating to the converted bonds; approving modifications to documents; ratifying certain actions previously taken; and granting general authority to City officials to take all necessary action in connection with the authorization, issuance, sale and delivery of said bonds or the conversion of said bonds.

FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

080570 **[Accepting gift to the Fire Department - $27,551]**

Resolution accepting a gift to the Fire Department from the Fireman's Fund Insurance Company Heritage Program of equipment and materials for the Department's Division of Training Resource Library valued at $27,551. (Fire Department)

ADOPTED

080615 **[Accept and expend Environmental Protection Agency (EPA) grant funds - $8,119,150]**

Supervisor Alioto-Pier

Resolution authorizing the San Francisco Public Utilities Commission (SFPUC) to accept and expend a United States Environmental Protection Agency (US EPA) grant in the amount of $8,119,150 for a Contamination Warning System Demonstration Pilot Project.

ADOPTED

Recommendation of the Government Audit and Oversight Committee

080593 **[Appropriating $1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008]**

Mayor

Ordinance appropriating $1,289,141 of interest earned for improvements to the California Academy of Sciences in the Recreation and Park Department for Fiscal Year 2007-2008.

(Fiscal Impact.)

FINALLY PASSED

Recommendations of the Land Use and Economic Development Committee

080338 **[Zoning Map Amendments in connection with the Bayview Hunters Point Area Plan]**

Ordinance amending Zoning Map Sheets 8, 9, 10, and 10 SU of the City and County of San Francisco Planning Code to replace various M-1 and M-2 zones with PDR-1, PDR-2, and special use district designations in the South Basin and Northern Industrial areas of the Bayview Hunters Point Study Area, consistent with the Bayview Hunters Point Area Plan; and adopting General Plan, Planning Code Section 101.1, and environmental findings. (Planning Department)

FINALLY PASSED

080339 **[Bayview Rezoning]**

Ordinance amending the Planning Code by adding Sections 121.5, 121.7, 210.7, 210.8, 210.9, 230 and 249.32 and amending Sections 204.3, 204.4, 210, 210.6, and 213 through 227 to create a new Design and Development Special Use District and modify the existing M (Industrial) Districts to establish PDR-1 (Light Industrial Buffer) and PDR-2 (Production, Distribution and Repair) Districts and specify the use controls for activities in the PDR Districts, which generally will principally permit light manufacturing, wholesale and repair activities, prohibit or require a conditional use permit for heavy industry, prohibit housing, limit the size of retail and office uses, place controls on subdivision of large lots, provide accessory use guidelines and regulate the demolition of industrial buildings. (Planning Department)

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Government Audit and Oversight Committee

080592 **[Appropriating $272,515,000 of COP Revenue for the San Francisco Public Utilities Commission Electrical Reliability Power Project for Fiscal Year 2007-2008]**
Supervisors Maxwell, Peskin

Ordinance appropriating $272,515,000 of San Francisco Certificates of Participation 2008 Series B and 2008 Series C to fund the San Francisco Electrical Reliability Project also referred to as the Combustion Turbine projects in the Public Utilities Commission for FY 2007-2008.

(Supervisor Alioto-Pier dissented in committee.)

Continued to July 15, 2008

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080523 **[Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets]**
Supervisors Maxwell, Dufty, McGoldrick, Peskin

Ordinance approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco including a turbine upgrade agreement and electric and gas interconnection agreements and granting specified exceptions to the Administrative Code, and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section. 101.1.

(Supervisor Alioto-Pier dissented in Committee.)

Continued to July 15, 2008

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080577 **[Approving agreements for the development of the City Combustion Turbine Projects at San Francisco International Airport and at 25th and Maryland Streets and adopting environmental findings]**
Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution approving agreements necessary for the development of the City Combustion Turbine Projects to be located at North Access Road and Clearwater Drive, San Francisco International Airport, and at Property Adjacent to the MTA Metro East Facility at 25th and Maryland Streets in San Francisco, including a design-build agreement and a power purchase agreement; and approving property agreements, including a jurisdictional transfer of property to accommodate the proposed projects, subject to further agreements among the affected City departments; and making environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Continued to July 15, 2008

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080524 **[Authorizing the execution and delivery of certificates of participation to finance the San Francisco Combustion Turbine Projects and approving property leases, project leases and a trust agreement in connection therewith]**

Supervisors Maxwell, Dufty, McGoldrick, Peskin

Resolution authorizing the execution and delivery of certificates of participation to finance the acquisition, construction, installation and equipping of natural gas-fired combustion turbine generation facilities on City-owned property located at 25th and Maryland Street in the Potrero neighborhood and at the San Francisco International Airport at the corner of North Access Road and Clearwater Drive; approving the form of a trust agreement between the City and County of San Francisco and a trustee (including certain indemnities contained therein); authorizing the selection of a trustee; approving the forms of property leases between the City and the trustee relating to the Potrero site and to the San Francisco International Airport site; approving the forms of project leases between the trustee and the City (including certain indemnities contained therein) relating to each of the two Projects; approving the form of a Memorandum of Understanding between the San Francisco Public Utilities Commission and the City; approving the form of an official notice of sale and notice of intention to sell for the certificates of participation; approving the form of an official statement in preliminary and final form; approving the form of a continuing disclosure certificate; and ratifying previous actions taken in connection therewith.

(Supervisor Alioto-Pier dissented in Committee.)

Continued to July 15, 2008

Supervisor Maxwell, seconded by Supervisor Dufty, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080514 **[Increasing Street Artist Certificate Fee and Increasing Rate of Compensation for the Advisory Committee of Street Artists and Crafts Examiners]**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners, and making environmental findings. (Arts Commission)

(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080606 **[Revising Board of Appeals Surcharges]**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the Taxi Commission, the Police Department, the Department of Public Works, the Entertainment Commission, and the Department of Public Health for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080607 **[Proposition J Contract/Certification of Specified Contracted-Out Services Previously Approved for Enterprise Departments]**

Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: employee and public parking management services, information booth services, security services, and shuttle bus services (Airport); paratransit services, security services, citation information, janitorial and landscaping, meter collection and coin counting, towing services, and transit shelter maintenance and advertising (MTA); janitorial and security services. (Port) (Mayor)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Budget and Finance Committee Without Recommendation

080657 **[Priorities for Public Utilities Commission's expenditures from Sustainable Energy Account Funds]**
Supervisor McGoldrick

Ordinance establishing priorities for expenditures by the Public Utilities Commission from the Sustainable Energy Account.

NOT PASSED ON FIRST READING by the following vote:

Ayes: 4 - Daly, Maxwell, McGoldrick, Peskin
Noes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Mirkarimi, Sandoval

071679 **[Solar Energy Incentive Program]**
Supervisor Dufty

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. (Assessor-Recorder)

(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Peskin
Noes: 4 - Daly, McGoldrick, Mirkarimi, Sandoval

080630 [Solar Energy Incentive Pilot Program]
Supervisor Mirkarimi

Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator.

Supervisor Mirkarimi, seconded by Supervisor McGoldrick, moved to further amend.
Motion to further amend was passed without objection

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, McGoldrick

Continued as amended to June 10, 2008 with Board Sitting as a Committee of the Whole.

Supervisor Mirkarimi, seconded by Supervisor Sandoval, moved that this Ordinance be CONTINUED AS AMENDED. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Chu, Dufty, Elsbernd

Recommendations of the Government Audit and Oversight Committee

080540 [Authorizing the Committee on Information Technology to amend its contract with Central Computer Systems to increase its contract amount to $29,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Seventh Amendment to the Agreement between the City and Central Computer Systems (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from $25,000,000 to $29,000,000. (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080541 [Authorizing the Office of Contract Administration to amend its contract with En Pointe to increase the contract amount to $43,000,000]

Resolution authorizing the Office of Contract Administration to enter into the Eighth amendment between the City and En Pointe (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from $35,000,000 to $43,000,000. (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080542 **[Authorizing the Office of Contract Administration to amend its contract with Micromenders/GC Micro to increase the contract amount to $18,000,000]**

Resolution authorizing the Office of Contract Administration to enter into the Sixth amendment between the City and Micromenders/GC Micro (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract's amount to $18,000,000. (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

080543 **[Authorizing the Office of Contract Administration to amend its contract with Xtech to increase the contract amount to $64,000,000]**

Resolution authorizing the Office of Contract Administration to enter into the Tenth Amendment between the City and Xtech (part of the Computer Store procurement vehicle), in which the amendment shall increase the contract amount from $51,000,000 to $64,000,000. (Office of Contract Administration)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 1 - Sandoval

Recommendation of the Land Use and Economic Development Committee

080511 **[Hunters Point Shipyard - Resolution of Intent for Street Vacation]**

Resolution declaring the intention of the Board of Supervisors to vacate portions of Innes Avenue, Galvez Avenue and Donahue Street, in Hunters Point Shipyard Parcel "A1" along with public service easements that may exist in Parcel A1, all of Navy Road on Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcel A2; vacate any easements that may exist between the vacated areas in Parcel "A1" and "A2" as described in Ordinance No. 24-05; reserve a non-exclusive easement for the City combined sewer pipeline and appurtenant facilities within Navy Road; setting a hearing date of for all persons interested in the proposed vacation of said street areas and public service easements. (Public Works Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

080512 **[Hunters Point Shipyard - Street Vacation Order]**

Ordinance ordering the vacation of portions of Innes Avenue, Galvez Avenue and Donahue Street in Hunters Point Shipyard Parcel "A1"and all of Navy Road in Hunters Point Shipyard Parcel "A2" along with public service easements that may exist in Parcels A1 and A2; making environmental findings and findings of consistency with the City's General Plan, Planning Code Section 101.1, and the Hunters Point Redevelopment Plan; quitclaiming the City's interest in the vacation areas; reserving easement rights for a City combined sewer line and facilities; accepting Department of Public Works Order No. 177,478; and authorizing official acts in connection with this Ordinance. (Public Works Department)

(Pending approval of File No. 080511 this matter will be continued to the July 8, 2008 Board of Supervisors meeting for a public hearing to be held at 4:00 p.m.)

Continued to a public hearing on July 8, 2008 at 4:00 p.m

Supervisor Maxwell, seconded by Supervisor Chu, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

080591 **[Local Business Enterprise and Non-Discrimination in Contracting Bonding and Financial Assistance Program]**

Supervisors Elsbernd, Maxwell, Chu

Ordinance extending the term of the bonding assistance program to end on the earlier of (1) June 30, 2013 or (2) the date on which the Controller is no longer able to certify the availability of funds for any new guarantee agreement.

Supervisor Chu requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080475 **[Presidio Neighborhood Representative Work Group]**

Supervisor Alioto-Pier

Resolution re-establishing the Presidio Neighborhood Representative Work Group to be comprised of representatives from affected neighborhoods and City Departments.

Supervisor Alioto-Pier, seconded by Supervisor Mirkarimi, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ADOPTED AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Alioto-Pier welcomed, introduced and presented a Certificate of Honor to Quentin Favia for his leadership for a skateboard drive for underprivileged kids.

Supervisor McGoldrick, welcomed, introduced and presented a Certificate of Honor to Daniel Batemon.

SPECIAL ORDER 4:00 P.M.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

The President inquired as to whether any member of the public wished to address the Board members.
Continued to June 24, 2008

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 **[Affirming the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to June 24, 2008

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to June 24, 2008

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to June 24, 2008

Supervisor Ammiano, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Female speaker; expressed concern with issues relating to the mistreatment to Falun Gong practioners
Male speaker; expressed concern with issues relating to the mistreatment to Falun Gong practioners
Neal Malleck; showed interest in San Francisco history
Richard Macree; expressed concern with issues relating to his patent for Sigmund Stern Grove
Walter; shared with the Board certain memorabilia
Mr. Roberts; Applicant for the Mayor's Disability Commission expressed concern with issues relating to violation of rights for the disabled
Joe Connolly; expressed concern with issues relating medical marijuana and evictions at Mercy Housing
Fran Sappy; expressed concern with issues relating medical marijuana and evictions at Mercy Housing
David Altman; expressed concern with issues relating medical marijuana and evictions at Mercy Housing
Edmond; expressed concern with issues relating medical marijuana
Peter Warfield; expressed concern with issues relating to the SF Public Library
fees
Male speaker; expressed concern with issues relating medical marijuana and evictions at Mercy Housing
Male speaker; expressed concern with issues relating medical marijuana and evictions at Mercy Housing
Catherine; expressed concern with issues relating medical marijuana and evictions at Mercy Housing

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080701 [Proclamation for Peace and Dignity Day on July 7, 2008 in San Francisco]
Supervisor Maxwell

Proclamation of the City and County of San Francisco to declare July 7, 2008 as Peace and Dignity Day.

ADOPTED

080702 [CalHome Application]
Supervisor Chu

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome Program.

ADOPTED

080703 **[Approval of an extension for Planning Commission review - Residential Inclusionary Affordable Housing Program]**
Supervisor Dufty

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend the Residential Inclusionary Affordable Housing Program of the Planning Code of the City and County of San Francisco to a date within 45-days of the completion of the environmental review, including any required hearings. The proposed Ordinance would specifically Ordinance amending the Residential Inclusionary Affordable Housing Program, including Planning Code Section 315.9 to allow for density bonuses to project applicants who develop on-site, affordable family-sized units as defined herein as part of their inclusionary housing requirements; and the addition of Planning Code Section 315.10 regarding severability and making environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED

080704 **[90 day extension for Planning Commission review - Mission/Bernal Formula Restricted Use Subdistrict]**
Supervisor Ammiano

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance amending the San Francisco Planning Code by adding Section 785 to establish the Mission/Bernal Formula Retail Restricted Use Subdistrict and to amend Section 703.3 to prohibit formula retail uses in the Mission/Bernal Formula Retail Restricted Use Subdistrict; amending Sectional Maps SU 07 and SU 11 of the Zoning Map of the City and County of San Francisco to establish the boundaries of the Mission/Bernal Formula Retail Restricted Use Subdistrict; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

ADOPTED

080705 **[60 day extension for Planning Commission review - The Metro Theatre]**
Supervisor Alioto-Pier

Resolution extending by 60 days the prescribed time within which the Planning Commission may render its decision on a proposed Resolution that would initiate the designation of The Metro Theatre, 2055 Union Street, Lot 018 in Assessor's Block 0541, as a landmark pursuant to Section 1004.1 of the Planning Code.

ADOPTED

080634 **[Final Map - 178 Bluxome Street]**
Motion approving Final Map 4024, a 42 Unit Live - Work Condominium Project, located at 178 Bluxome Street being a subdivision of Lot 135 in Assessors Block No. 3785 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,542; District 6.)

APPROVED

080635 **[Final Map - 683 Brannan Street]**
Motion approving Final Map 3963, a 39 Unit Live – Work Condominium Project, located at 683 Brannan Street being a subdivision of Lot 136 in Assessors Block No. 3785 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,543; District 6.)

APPROVED

080637 **[Final Map - 436 - 438 Clementina Street]**

Motion approving Final Map 4550, a 20 Residential Unit and 1 Commercial Unit Mixed-Use Condominium Project, located at 436 – 438 Clementina Street being a subdivision of Lot 062 in Assessors Block No. 3732 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,549; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Without Reference Committee Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

080683 **[Called from committee and committee of the whole, Community Justice Center funding]**
Supervisor Dufty

Motion calling from committee file number 080685, an ordinance removing reserve funding for a Community Justice Center; motion to sit as committee of the whole June 10, 2008.

APPROVED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Sandoval
Noes: 4 - Daly, McGoldrick, Mirkarimi, Peskin

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080709 **[Settlement of City's Lawsuit Against Defendant Coral Energy Resources, L.P. - $277,000]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendant Coral Energy Resources, L.P.; the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $277,000 to the City from defendant Coral Energy Resources, L.P. (City Attorney)

5/22/08, RECEIVED AND ASSIGNED to Rules Committee.

080710 **[Settlement of City's Lawsuit Against Defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni - $297,500]**

Ordinance authorizing partial settlement of the lawsuit filed by the City and County of San Francisco against defendants Reliant Energy Services, Inc., Reliant Energy, Inc. (f/k/a Reliant Resources, Inc.), and Mary Kathleen Zanaboni ("Reliant"); the lawsuit entitled City and County of San Francisco v. Sempra Energy, et al. (JCCP No. 4221-00023) was filed on June 8, 2004, and has been coordinated as Natural Gas Anti-Trust Cases I, II, III & IV in the Superior Court of the State of California for the County of San Diego (JCCP Nos. 4221, 4224, 4226, and 4228); the settlement provides approximately $297,500 to the City from the Reliant defendants. (City Attorney)

5/22/08, RECEIVED AND ASSIGNED to Rules Committee.

080719 **[Building Code - fee adjustment]**

Ordinance amending the Building Code to amend various sections and fee schedule tables to adjust fees or permits, inspections, and other actions. (Building Inspection Department)

5/23/08, ASSIGNED UNDER 30 DAY RULE to Budget and Finance Committee, expires on 7/3/2008.

5/30/08, SUBSTITUTED. Department of Building Inspection submitted substitute ordinance bearing same title.

5/30/08, ASSIGNED to Budget and Finance Committee.

080720 **[Landmark Designation of 1969 California Street (Tobin House)]**

Ordinance designating 1969 California Street, the Tobin House, (Assessor's Block Number 0649, Lot Number 016), as a Landmark under Planning Code Article 10; and adopting General Plan, Planning Code Section 101.1(b) and environmental findings. (Planning Department)

5/23/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

080707 **[Homeland Security Grants]**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under the FY 08 Homeland Security Grant Program (which includes the FY 08 Urban Areas Security Initiative (UASI) grant, the FY 08 Metropolitan Medical Response System (MMRS) grant, the FY 08 Citizen Corps Program (CCP) grant, and the FY 08 State Homeland Security Grant Program), the FY 07 and FY 08 Buffer Zone Protection Program (BZPP) grant, the FY 08 Hazard Mitigation Grant, the FY 08 Pre-Disaster Mitigation Grant, the FY 08 Emergency Management Performance Grant (EMPG), the FY 07 and FY 08 Regional Catastrophic Preparedness Grant Program (RCPGP), or any other federally funded grant program and Public Law 110-161. (Mayor)

5/14/08, RECEIVED AND ASSIGNED to Public Safety Committee.

080708 **[Recorder's fee for Social Security Number Truncation Program - $1.00]**

Ordinance amending Chapter 8 of the San Francisco Administrative Code by adding Section 8.24.7, to authorize an additional $1.00 recording fee to fund the Social Security number truncation program, and making environmental findings. (Assessor-Recorder)

5/19/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080718 **[Approval of FY08-09 Expenditure Plan for the Human Services Care Fund]**

Resolution approving the FY08-09 Expenditure Plan for the Human Services Care Fund. (Human Services Department)

5/22/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business at the hour of 4:13 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

DOCUMENTS DEPT.
JUN 13 2008
SAN FRANCISCO
PUBLIC LIBRARY

Tuesday, June 10, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY, BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK, ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:02 p.m. On the call of the roll Supervisor Daly was noted absent.

Supervisor Daly was noted present at 2:03 p.m.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved to approve the May 6, 2008 Board Meeting Minutes. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080606 **[Revising Board of Appeals Surcharges]**

Ordinance amending Section 10G.1 of the San Francisco Administrative Code to adjust the surcharges on permit fees, license fees, permit review fees and permit and license renewal fees imposed by the Department of Building Inspection, the Planning Commission, the Taxi Commission, the Police Department, the Department of Public Works, the Entertainment Commission, and the Department of Public Health for permits and licenses that may be appealed to the Board of Appeals, and making environmental findings. (Mayor)

FINALLY PASSED

Recommendation of the Rules Committee

080591 **[Local Business Enterprise and Non-Discrimination in Contracting Bonding and Financial Assistance Program]**

Supervisors Elsbernd, Maxwell, Chu, Dufty

Ordinance extending the term of the bonding assistance program to end on the earlier of (1) June 30, 2013 or (2) the date on which the Controller is no longer able to certify the availability of funds for any new guarantee agreement.

FINALLY PASSED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

From the Land Use and Economic Development Committee Without Recommendation

080091 **[Treasure Island Affordable Housing]**

Resolution encouraging the Treasure Island Development Authority and Mayor's Office of Housing to explore how to increase the percentage of affordable housing to include 50% affordable housing in the Disposition and Development Agreement for the Former Naval Station Treasure Island.

Supervisor Daly, seconded by Supervisor Elsbernd, moved that this Resolution be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the Budget and Finance Committee

080514 **[Increasing Street Artist Certificate Fee and Increasing Rate of Compensation for the Advisory Committee of Street Artists and Crafts Examiners]**

Ordinance amending Article 24 of the San Francisco Police Code by amending Section 2404.1 to increase the fee for a Street Artist Certificate and amending Section 2402 to increase the rate of compensation for the Advisory Committee of Street Artists and Craftsmen Examiners, and making environmental findings. (Arts Commission)

(Supervisor Daly dissented in committee.)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Daly

From the Budget and Finance Committee Without Recommendation

071679 **[Solar Energy Incentive Program]**
Supervisor Dufty

Ordinance amending the Environment Code by adding Chapter 18 creating a Solar Energy Incentive Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator. (Assessor-Recorder)

(Supervisor Daly dissented in committee.)

FINALLY PASSED by the following vote:
Ayes: 8 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Sandoval
Noes: 3 - Daly, McGoldrick, Peskin

Board of Supervisors Sitting as a Committee of the Whole

080789 **[Public Hearing - Solar Energy Incentive Pilot Program]**

Hearing to consider an Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator.

The President inquired as to whether or not any member of the public wished to address the Board members.
Michael Borenstein; support of the Solar Energy Ordinance
Julian Davis, SF Tomorrow; support of the Solar Energy Ordinance
Female speaker; support of the Solar Energy Ordinance
Jeanine Cotter; support of the Solar Energy Ordinance
Male speaker; support of the Solar Energy Ordinance

The President declared the public hearing closed.
HEARD AT PUBLIC HEARING.

Committee of the Whole Adjourn and Report Without Recommendation

080630 **[Solar Energy Incentive Pilot Program]**
Supervisor Mirkarimi

Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; and imposing duties and responsibilities on the program administrator.

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; imposing duties and responsibilities on the program administrator; and establishing requirements applicable to the long-term solar incentive program.

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080605 **[Motor Vehicles for Hire; Permit Application and License Renewal Fees]**

Ordinance amending the San Francisco Police Code by amending Sections 2.26.1 and 2.27.1 to increase certain motor vehicle for hire permit application and license renewal fees. (Mayor)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080585 **[Approval of the Mental Health Services Act Workforce Development Education and Training Three Year Program and Expenditure Plan]**

Resolution approving the Mental Health Services Act Workforce Development Education and Training Three Year Program and Expenditure Plan (WET Plan) and authorizing the amendment of the MHSA Agreement to include this Plan in the agreement. (Public Health Department)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

080348 **[Enterprise Zone Designation]**
Mayor, Supervisor Peskin

Resolution supporting California Enterprise Zone Designation for the City and County of San Francisco.

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080350 **[Enterprise Zone Tax Credit Law]**
Mayor

Draft Ordinance amending Section 906A of the Business and Tax Regulations Code to delete the requirement that a new job be created to obtain the Enterprise Zone Tax Credit after the effective date; to apply the credit to all newly hired Qualified Employees; to revise the definition of "Qualified Employee"; to conform the geographical boundaries of the San Francisco Enterprise Zone with the area approved by the State Department of Housing and Community Development; and to delete an outdated reference to the Private Industry Council and to establish a sunset date.

(Economic Impact.)

Supervisor Elsbernd, seconded by Supervisor Mirkarimi, moved that this Ordinance be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080596 **[Directing the Budget Analyst to conduct an audit of the SFMTA Proof of Payment Program to determine its effectiveness]**
Supervisor Dufty

Motion directing the Budget Analyst to conduct a review of the San Francisco Municipal Transit Agency's (SFMTA) Proof of Payment Program to determine the effectiveness of the Proof of Payment Program over the past 3 years and the effectiveness of Transit Fare Inspectors and Station agents in preventing fare evasion.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080584 **[Outreach Advertising for FY 2008-2009]**

Resolution designating San Francisco Bay View to be the outreach newspaper of the City and County for the African American community, Asian Week, Sing Tao Daily and China Press to be the outreach newspaper of the City and County for the Chinese community, Bay Area Reporter and the Bay Times to be the outreach newspaper of the City and County for the Gay, Lesbian, Bisexual community and the El Reportero to be the outreach newspaper of the City and County for the Hispanic community, to provide outreach advertising services for Fiscal Year 2008-2009. (Office of Contract Administration)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Government Audit and Oversight Committee Without Recommendation

080583 **[Official Advertising for FY 2008-2009]**

Resolution designating the Examiner the official newspaper of the City and County of San Francisco for all official advertising for Fiscal Year 08-09. (Office of Contract Administration)

Amended to split the contract to include the San Francisco Chronicle.

Supervisor Ammiano, seconded by Supervisor Sandoval, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin, Sandoval
Noes: 2 - Daly, McGoldrick

Resolution designating the Examiner and the Chronicle as the official newspapers of the City and County of San Francisco for all official advertising for Fiscal Year 08-09. (Office of Contract Administration)

ADOPTED AS AMENDED by the following vote:

Ayes: 7 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, Peskin
Noes: 4 - Daly, McGoldrick, Mirkarimi, Sandoval

CALLED FROM COMMITTEE

Supervisor Sandoval Excused From Voting

Supervisor McGoldrick, seconded by Supervisor Daly, moved to excuse Supervisor Sandoval, at his request, because of possible conflict of interest, from voting on this matter. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Excused: 1 - Sandoval

Board of Supervisors Sitting as a Committee of the Whole

080684 **[Public Hearing - Amending Ordinance 174-07 to Remove Funding Reserve for the Community Justice Center in the Mayor's Office for Fiscal Year 2007-2008]**
Supervisor Dufty

Hearing of persons interested in or objecting to proposed Ordinance amending the Annual Appropriation Ordinance, Ordinance 174-07 File Number 070773, to remove the $500,000 reserve on the Community Justice Center in the Mayor's Office for Fiscal Year 2007-2008.

The President inquired as to whether any member wished to address the Board members.
Commissioner Ron Albers
Superior Court Judge Harold Kahn; Superior Court
Presiding Superior Court Judge David Balatti
Barbara Garcia, Representative of the Department of Public Health responded to questions raised by Board members
Jeff Adachi Public Defender
Father Joe; support of a Community Justice Center
Rita Shimmons, Glide Memorial; support of a Community Justice Center
Darius; support of a Community Justice Center
Arthur Evans; support of a Community Justice Center
Peter Maziak; opposed to a Community Justice Center
Mary Kate Connor; opposed to a Community Justice Center
Female speaker; opposed to a Community Justice Center
Male speaker; support of a Community Justice Center
Female speaker; opposed to a Community Justice Center
Female speaker; support of a Community Justice Center
Female speaker; support of the Community Justice Center
Linda Magellan; support of a Community Justice Center
Caroline Diamond; support of a Community Justice Center
Bruce Ellison; opposed to a Community Justice Center
Julie Ledbetter; opposed to a Community Justice Center
Joseph Brown; opposed to a Community Justice Center
Kathy Barber; opposed to a Community Justice Center
Male speaker; opposed to a Community Justice Center
Jim Haas; opposed to a Community Justice Center
Male speaker; opposed to a Community Justice Center
Female speaker, Representative of Hastings Law School; support of a Community Justice Center
Mr. Cruz; opposed to a Community Justice Center
David Overdorf; support of a Community Justice Center
Female speaker; opposed to a Community Justice Center
Rob Black; support of a Community Justice Center
Female speaker; opposed to a Community Justice Center
Male speaker; support of a Community Justice Center
Terrance Allen; support of a Community Justice Center
Female speaker; opposed to a Community Justice Center
Thomas Caparello; opposed to a Community Justice Center
Elaine Zamora; support of a Community Justice Center
Edmund; opposed to a Community Justice Center
Alexandria; opposed to a Community Justic Center

Heard at Public Hearing.
The President declared the public hearing closed.
FILED.

Committee of the Whole Adjourn and Report Without Recommendation

Appointment of President Pro Tempore

At the request of the President, Supervisor Dufty assumed the Chair so the President could participate in the debate from the floor concerning the following item.

080685 [Amending Ordinance 174-07 to Remove Funding Reserve for the Community Justice Center in the Mayor's Office for Fiscal Year 2007-2008]
Supervisor Dufty

Ordinance amending the Annual Appropriation Ordinance, Ordinance 174-07 File Number 070773, to remove the $500,000 reserve on the Community Justice Center in the Mayor's Office for Fiscal Year 2007-2008.

(Fiscal Impact.)

Supervisor Ammiano, seconded by Supervisor Peskin, moved that this Ordinance be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Sandoval

CALLED FROM COMMITTEE

080484 [Sublease of Real Property at 555 Polk Street]
Mayor

Resolution authorizing the sublease of 9,000 square feet of office space in the building located at 555 Polk Street for the Community Justice Center through the Department of Public Health.

(Fiscal Impact.)

Supervisor Ammiano, seconded by Supervisor Peskin, moved that this Resolution be RE-REFERRED to the Budget and Finance Committee. The motion carried by the following vote:

Ayes: 7 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 3 - Alioto-Pier, Chu, Elsbernd
Excused: 1 - Sandoval

SPECIAL ORDER 3:00 P.M

080631 **[Public Hearing - Report of Assessment Costs for Sidewalk and Curb Repairs]**

Hearing of persons interested in or objecting to report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

The President inquired as to whether any member wished to address the Board members.
Robert Quong, Representative of the Department of Public Works
Bart Murphy, Property owner
Heard at Public Hearing.
The President declared the public hearing closed.
FILED.

080632 **[Report of Assessment Costs for Sidewalk and Curb Repairs]**

Resolution approving report of assessment costs submitted by the Director of Public Works for sidewalk and curb repairs ordered to be performed by said Director pursuant to Sections 707 and 707.1 of the Public Works Code, the costs thereof having been paid for out of a revolving fund.

Report amended to delete the following properties:
250 Clement Street, 969 Hyde Street and 242-5th Avenue.

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 2 - Ammiano, Maxwell

SPECIAL ORDER 3:30 P.M

080677 **[Public Hearing - Appeal of Tentative Final Map for 43-45 Lansing Street]**

Hearing of persons interested in or objecting to the decision of the Department of Public Works dated May 5, 2008, affirming the approval of Tentative Final Map to construct a new 227 unit residential condominium project located at 43-45 Lansing Street, Lot 059 in Assessor's Block No. 3749. (Appellant: Jeremy Paul on behalf of Michael Vriheas)

(District 6.)

The President inquired as to whether any member wished to address the Board members.
The appellant has withdrawn the appeal.
The President declared the public hearing closed.
FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Tentative Parcel Map described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

080678 **[Approving decision of the Director of Public Works and approving the Tentative Map for 43-45 Lansing Street]**

Motion approving the decision of the Director of Public Works, finding the Tentative Map consistent with the City's General Plan and eight priority policies of Planning Code Section 101.1, and approving the Tentative Map for a 227-unit subdivision located at 43-45 Lansing Street, Assessor's Block 3749, Lot 059. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Sandoval, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080679 **[Disapproving decision of the Director of Public Works and disapproving the Tentative Map for 43-45 Lansing Street]**

Motion disapproving the decision of the Director of Public Works concerning the Tentative Map for a 227-unit subdivision located at 43-45 Lansing Street, Assessor's Block 3749, Lot 059, and disapproving the subdivision. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Sandoval, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080680 **[Findings - 43-45 Lansing Street Tentative Map]**

Motion directing the Clerk of the Board to prepare findings relating to the Board of Supervisors' decision concerning a Tentative Map for a 227-unit subdivision located at 43-45 Lansing Street, Assessor's Block 3749, Lot 059. (Clerk of the Board)

Supervisor Dufty, seconded by Supervisor Sandoval, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved Supervisor Alioto-Pier introduced, welcomed and presented Certificates of Honor to members of the Blue Ribbon Panel's Community Outreach Task Force. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

Supervisor Dufty was noted absent at 5:28 p.m.

080694 **[Public Hearing - Disposition and Development Agreement - Redevelopment Agency owned land for 4800 Third Street]**
Supervisor Maxwell

Hearing of persons interested in or objecting to proposed resolution approving the Redevelopment Agency of the City and County of San Francisco's Disposition and Development Agreement (the "Agreement") for a portion of Assessor's Block 5322, Lot 45 commonly known as 4800 Third St Street, to Green Blended Communities, L.L.C., for the purpose of developing affordable for-sale housing for lower income households.

The President inquired as to whether any member wished to address the Board members.
Heard at Public Hearing.
The President declared the public hearing closed.
FILED.

080695 **[Disposition and Development Agreement - Redevelopment Agency owned land for 4800 Third Street]**
Supervisor Maxwell

Resolution approving the Redevelopment Agency of the City and County of San Francisco's Disposition and Development Agreement (the "Agreement") for a portion of Assessor's Block 5322, Lot 45 commonly known as 4800 Third St Street, to Green Blended Communities, L.L.C., for the purpose of developing affordable for-sale housing for lower income households.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

COMMITTEE REPORTS

080706 **[Appointment, Board of Appeals - Kendall Goh]**
Motion approving Board of Supervisors President Peskin's appointment of Kendall Goh to the Board of Appeals for the term ending July 1, 2008, and the term ending July 1, 2012.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

080617 **[Accept-expend federal grant funds, Fire Department - $1,173,212]**
Supervisor Elsbernd

Resolution authorizing the San Francisco Fire Department to retroactively accept and expend a grant in the amount of $1,173,212 from the Federal Emergency Management Agency (FEMA) to develop and implement a Wellness and Fitness Program.

(Fiscal Impact.)

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

080783 **[Intention to form the Broadway Entertainment Corridor Community Benefit District]**
Supervisor Peskin

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Broadway Entertainment Corridor Community Benefit District" and levy a multi-year assessment on identified parcels in the district, (2) approving the management district plan and engineer's report and proposed boundaries map for the district, (3) ordering and setting a time and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

080784 **[Intention to form the Yerba Buena Community Benefit District]**
Mayor

Resolution (1) declaring the intention of the Board of Supervisors to establish a property-based business improvement district (community benefit district) to be known as the "Yerba Buena Community Benefit District" and levy a multi-year assessment on identified parcels in the district, (2) approving the management district plan and engineer's report and proposed boundaries map for the district, (3) ordering and setting a time and place for a public hearing thereon, (4) approving the form of the Notice of Public Hearing and Assessment Ballots, and (5) directing the Clerk of the Board of Supervisors to give notice of the public hearing and balloting as required by law.

ADOPTED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Dufty

ROLL CALL FOR INTRODUCTIONS

Appointment of President Pro Tempore

At the request of the President, Supervisor Sandoval assumed the Chair so the President could participate in the debate from the floor concerning the following item.

The President resumed the Chair shortly thereafter.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

Abdullah Megehed; expressed concern with issues relating to the Iraq war
James Chaffee; expressed concern with issues relating to the SF Public Library
Edward Evans; support of universal health act
Ursula Maguire; support of universal health act
Tom Oliver; expressed concern with issues relating to the closure of the hearing dog program
Female speaker; expressed concern with issues relating to to the closure of the the hearing dog program
Richard McGreary; expressed concern with issues relating to his patent for the Sigmund Grove
Peter Warfield; expressed concern with issues relating to the SF Public Library
Female speaker; expressed concern with issues relating tothe Zoo contract
Walter; shared with the Board in song certain memorabilia
Mark Perez; support of universal health act
Neil Malleck; shared with the Board San Francisco history
Male speaker; expressed concern with issues relating to the violation of human rights in Nigeria
Collen; expressed concern with issues relating to the war and costs and the need to support of World Peace and cease a fire
James Cowan; support of universal health act
John Jenkel; expressed concern with issues relating to the Iraq War
Female speaker; support of universal health act
Don Decker; support of universal health act
Iona Lonehorna; expressed with issues relating to a fire in her apartment and not getting satisfaction from agencies to fix this apartment
Douglas; expressed concern with issues relating to the Zoo and animal welfare
Edmund; expressed concern with issues relating to the medical marijuana

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisors Peskin and McGoldrick were noted absent at 6:02 p.m.

080785 **[Lymphoma Research Foundation Day - June 8, 2008]**
Supervisor Peskin

Resolution declaring June 8, 2008 "Lymphoma Research Foundation Day" in San Francisco.

ADOPTED

080786 **[Grant to support resident transitions at Laguna Honda Hospital - $10,000]**
Supervisor Elsbernd

Resolution authorizing the San Francisco Department of Public Health – Laguna Honda Hospital (DPH-LHH), to accept and expend retroactively a grant in the amount of $10,000 from the Stanford Geriatric Education Center, to support the transitional healthcare project, for the period of September 1, 2007 through June 30, 2008.

ADOPTED

080787 **[Commending Wooly Wolverton]**
Supervisor Dufty

Resolution commending Wooly Wolverton.

ADOPTED

080788 **[Condemning Chevron Corporation for its domestic and international business practices]**
Supervisors Ammiano, Daly, Mirkarimi, Peskin

Resolution condemning Chevron Corporation for a systematic pattern of ethically questionable investments, complicity in human rights abuses, and environmental devastation in countries and communities in which it operates.

ADOPTED

The foregoing items were acted upon by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Mirkarimi, Sandoval
Absent: 3 - Dufty, McGoldrick, Peskin

IMPERATIVE AGENDA

Resolution(s), if any, to be adopted within limits imposed by the Sunshine Ordinance and the Ralph M. Brown Act, introduced today, not on the printed agenda. For such resolutions to be considered, the Board must first adopt the Serious Injury Finding or the Purely Commendatory Finding and the Brown Act Finding. Each motion requires 8 votes or a unanimous 6 or 7. A unanimous vote is required for the resolution(s). For such resolutions to be considered, the Board must first adopt the following two motions.

[Purely Commendatory Finding]
Motion that the Board find that the resolution(s) being considered at this time are purely commendatory.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved ADOPTION of the commendatory finding. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, Mirkarimi, Sandoval
Absent: 3 - Dufty, McGoldrick, Peskin

[Brown Act Finding]

Motion that the Board find by roll call vote that for the resolution(s) being considered at this time there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.

Supervisor Ammiano, seconded by Supervisor Mirkarimi, moved ADOPTION of the Brown Act finding. The motion carried by the following vote:

Ayes: 8 - Alioto-Pier, Ammiano, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Sandoval
Absent: 3 - Dufty, Mirkarimi, Peskin

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080796 **[Amending Ordinance 202-07 and authorizing award of contract for Construction Manager/General Contractor services for the San Francisco General Hospital Rebuild Program]**

Ordinance amending Ordinance 202-07 to add Drywall Subcontractor to the list of authorized Core Subcontractors for the San Francisco General Hospital Rebuild Program and authorizing the award of a contract for Construction Manager/General Contractor services for the San Francisco General Hospital Rebuild Program. (Public Works Department)

6/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

PROPOSED RESOLUTIONS

080673 **[San Francisco Public Utilities Commission Cross Connection Controls Project]**

Resolution adopting Final Mitigated Negative Declaration, and adopting findings pursuant to the California Environmental Quality Act (CEQA), including the Mitigation Monitoring and Reporting Plan, related to use of appropriated funds for San Francisco Public Utilities Commission (SFPUC) Cross Connection Controls Project. (Public Utilities Commission)

5/30/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080674 **[IHSS Contract Approval - IHSS Consortium of San Francisco]**

Resolution to amend Resolution # 051123 approved on August 18, 2005 approving the contract between the City and County of San Francisco and the IHSS Consortium of San Francisco for the provision of In-Home Supportive Services for the period from July 1, 2005 to June 30, 2008, in the amount of $51,433,291. (Human Services Department)

6/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080675 **[Approval of a contract amendment with InfoMc, Inc. to support and maintain the eCURA application in use by the Community Behavioral Health Services unit of the Department of Public Health]**

Resolution authorizing the San Francisco Department of Public Health (DPH), to enter into a contract amendment with InfoMc, Inc. for the continued maintenance of proprietary InfoMc, Inc. applications for a new term July 1, 1999 through June 30, 2011. (Public Health Department)

6/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080764 **[Ratification of increases to prior professional service contracts for health and behavioral health services]**

Resolution approving amendment to Resolution No. 702-06, which ratified prior professional service contracts for the San Francisco Department of Public Health for health and behavioral health services and approved three year extensions, to increase the amounts of five of those contracts. (Public Health Department)

6/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

080797 **[Authorizing award of architectural and engineering design services contract for the San Francisco General Hospital Rebuild Program]**

Resolution authorizing the award of an architectural and engineering design services contract for the San Francisco General Hospital Rebuild Program. (Public Works Department)

6/2/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:43 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

***City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689***

MEETING MINUTES - DRAFT

VOTES

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JUN 20 2008

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Tuesday, June 17, 2008 2:00 PM

**Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689**

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll Supervisors Maxwell and McGoldrick were noted absent.

Supervisor McGoldrick was noted present at 2:05 p.m.
Supervisor Maxwell was excused from attending today's meting.

There was a quorum present.

Supervisor Maxwell Excused from Attendance

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved to excuse Supervisor Maxwell from attending today's meeting. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

SPECIAL ORDER 2:00 P.M. - Mayor's Appearance Before The Board

CONSENT AGENDA

Recommendation of the Budget and Finance Committee

080605 **[Motor Vehicles for Hire; Permit Application and License Renewal Fees]**

Ordinance amending the San Francisco Police Code by amending Sections 2.26.1 and 2.27.1 to increase certain motor vehicle for hire permit application and license renewal fees. (Mayor)

FINALLY PASSED

Recommendation of the City Operations and Neighborhood Services Committee

080654 **[Grant funds to support HIV/AIDS treatment and prevention services - $1,244,866]**
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH) to accept and expend a new grant in the amount of $1,244,866 from the Department of Health & Human Services - Centers for Medicare & Medicaid Services (DHHS-CMS) to support a project entitled "Improving HIV/AIDS Treatment and Prevention Services," for the period of July 1, 2008 through June 30, 2009.

ADOPTED

Recommendation of the Public Safety Committee

080707 **[Homeland Security grants]**

Resolution authorizing designated City and County officials to execute and file on behalf of the City and County of San Francisco, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of California under the FY 08 Homeland Security Grant Program (which includes the FY 08 Urban Areas Security Initiative (UASI) grant, the FY 08 Metropolitan Medical Response System (MMRS) grant, the FY 08 Citizen Corps Program (CCP) grant, and the FY 08 State Homeland Security Grant Program), the FY 07 and FY 08 Buffer Zone Protection Program (BZPP) grant, the FY 08 Hazard Mitigation Grant, the FY 08 Pre-Disaster Mitigation Grant, the FY 08 Emergency Management Performance Grant (EMPG), the FY 07 and FY 08 Regional Catastrophic Preparedness Grant Program (RCPGP), or any other federally funded grant program and Public Law 110-161. (Mayor)

ADOPTED

080628 **[Settlement of Lawsuit - CCSF v. Competent Builders, Inc. - $510,000]**

Ordinance authorizing settlement of the lawsuit, entitled City and County of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148) in the amount of $510,000 paid to San Francisco by Competent Builders, Inc., and its subcontractors. (City Attorney)

PASSED, ON FIRST READING

080629 **[Settlement of Lawsuit - Tamara Josi - $75,000]**

Ordinance authorizing settlement of the lawsuit filed by Tamara Josi against the City and County of San Francisco for $75,000; the lawsuit was filed on May 9, 2007 in San Francisco Superior Court, Case No. 463219; entitled Tamara Josi, et al., v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

080372 **[Appointments - Veterans Affairs Commission - George Gibbs and Dara Wong]**

Motion appointing George Gibbs and Dara Wong, terms ending January 31, 2012, to the Veterans Affairs Commission.

George Gibbs, succeeding himself, term expired, seat 6, must be a veteran with a physical disability, for a four year term ending January 31, 2012;
Dara Wong, succeeding Cheryl Cook, term expired, seat 9, must be an at-large appointment, for a four year term ending January 31, 2012.

APPROVED

080712 **[Appointments - Child Care Planning and Advisory Council - Margaret Jerene and David Fleishman]**

Motion appointing Margaret Jerene, term ending December 31, 2010, residency requirement waived and David Fleishman, term ending December 31, 2009, to the Child Care Planning and Advisory Council.

Margaret Jerene, succeeding herself, term expired, seat 1, must be a nominee of District 1 Supervisor, for three-year term ending December 31, 2010 (residency waiver required).
Must be selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative". Initial term two years beginning 1/1/03, subsequent terms 3 years.
David Fleishman, succeeding himself, term expired, seat 2, must be a nominee of District 2 Supervisor, for three-year term ending December 31, 2009.
Must be selected from parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local organizations that fall within the definition of "Community representative". Initial term four years beginning 1/1/03, subsequent terms 3 years.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Severed From the Consent Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

080611 **[Appointment - Sunshine Ordinance Task Force - James Knoebber]**

Motion appointing David Waggoner, term ending April 27, 2010, to the Sunshine Ordinance Task Force.

David Waggoner, succeeding Doug Comstock, term expired, seat 6, must be experienced in Consumer Advocacy, for a two-year term ending April 27, 2010.

Amended by replacing the name of "David Waggoner" with "James Knoebber".

Supervisor Elsbernd, seconded by Supervisor Ammiano, moved that this Motion be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

Motion appointing James Knoebber, term ending April 27, 2010, to the Sunshine Ordinance Task Force.

James Knoebber, succeeding Doug Comstock, term expired, seat 6, must be experienced in Consumer Advocacy, for a two-year term ending April 27, 2010.

APPROVED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

REGULAR AGENDA

UNFINISHED BUSINESS

From the Board

080630 **[Solar Energy Incentive Pilot Program]**
Supervisor Mirkarimi

Ordinance creating a Solar Energy Incentive Pilot Program; establishing limits on the incentive payments; providing eligibility criteria for the incentive payments; establishing limits on the amount of assistance available; allocating program funding among types of buildings; imposing duties and responsibilities on the program administrator; and establishing requirements applicable to the long-term solar incentive program.

FINALLY PASSED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Elsbernd
Excused: 1 - Maxwell

NEW BUSINESS

Recommendations of the Budget and Finance Committee

080723 **[Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency, Fiscal Years 2008-2009 and 2009-2010]**
Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2009 and for the Municipal Transportation Agency fiscal years ending June 30, 2009 and June 30, 2010.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

080724 [Interim Annual Salary Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency Fiscal Years 2008-2009 and 2009-2010]
Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009 and for the Municipal Transportation Agency, Fiscal Years ending June 30, 2009 and June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

PASSED ON FIRST READING by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

080727 [Redevelopment Agency Interim Budget]
Mayor

Resolution approving an Interim Budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-2009.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

080729 [Treasure Island Development Authority Interim Budget]
Mayor

Resolution approving the Interim Budget of the Treasure Island Development Authority for fiscal year 2008-2009.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

ADOPTED by the following vote:
Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

Recommendations of the City Operations and Neighborhood Services Committee

080545 **[Liquor License Expansion, 503 Jones Street]**

Resolution determining that the expansion of a bar with a Type 48 on-sale general public premises liquor license currently issued to Brian Sheehy at 501 Jones Street to include the location of 503 Jones Street (District 6), for Bourbon & Branch bar, will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080501 **[Liquor License, 1419 18th Street]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Joel Bleskacek for Ruby Wine, LLC dba Ruby Wine, located at 1419 18th Street (District 10), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Supervisor McGoldrick Excused From Voting

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved Supervisor McGoldrick was excused from voting on this matter due to a possible conflict of interest.. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

080388 **[Liquor License, Pier 39, Space N213A]**

Resolution determining that the issuance of a Type 42 on-sale beer and wine public premises license to Tiffany M. Pisoni for Wines of California wine bar, located at Pier 39, Space N213A (District 3), will serve the public convenience and necessity of the people of the City and County of San Francisco, in accordance with Section 23958.4 of the California Business and Professions Code, with conditions.

(Supervisor McGoldrick excused from voting in committee.)

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

Recommendations of the Government Audit and Oversight Committee

080779 **[Closure of the Potrero Power Plant]**

Supervisors Maxwell, Dufty, McGoldrick, Peskin, Sandoval, Mirkarimi

Resolution urging the Public Utilities Commission and the City Attorney to present to the California Independent System Operator a transmission-only solution to close the entire Potrero Power Plant; and establishing minimum criteria for any in-City generation projects to close the Potrero Power Plant.

Continued to June 24, 2008
Supervisor Daly requested to remove his name as a co-sponsor.

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Resolution be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080397 [Agreement to Purchase Property in Tuolumne County- $376,000]

Resolution approving and authorizing an agreement for the purchase of approximately 39 acres of unimproved land near Moccasin in Tuolumne County, for the protection of water quality for a purchase price of $376,000; adopting findings that the conveyance is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this resolution. (Real Estate Department)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080563 [Eliminating Health Care Disparities]
Supervisors Maxwell, Peskin, Alioto-Pier, Daly

Resolution outlining the Board of Supervisor's commitment to eliminating health disparities and adopting the Leading Health Indicators set by Healthy People 2010 as the basis for public health priority-setting and decision-making.

Supervisors Peskin, Alioto-Pier and Daly requested to be added as co-sponsors.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Recommendations of the Land Use and Economic Development Committee

080589 [Agreement to Accept the Dolores Hotel Located at 35-37 Woodward Street]
Supervisor Daly

Resolution approving and authorizing the execution and performance of an Agreement to Transfer and an Irrevocable Assignment and Assumption Agreement and Amendment to Loan Documents relating to the property commonly known as Dolores Hotel and located at 35-37 Woodward Street; adopting findings that the transfer is exempt from Environmental Review and is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Director of Property to execute documents, make certain modifications and take certain actions in furtherance of this Resolution. (Real Estate Department)

Supervisor Daly requested to be added as sponsor.

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080095 [Requirements for off-street parking and loading]
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 150 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 151 to reduce the required number of parking spaces for housing for seniors and physically handicapped persons, affordable housing, group housing, SRO units and residential care facilities; amending Section 154 to revise the minimum dimensions for off-street parking spaces, to encourage space-efficient parking and to no longer require independently accessible parking and define independently accessible parking to include parking accessed by automated garages or car elevators and valet parking; amending Section 155 to delete a requirement for independently accessible parking and require parking design to prevent bicycle and transit lane conflicts; amending Section 157 to provide for a demonstration that car-share parking cannot satisfy the need for non-accessory parking as a conditional use; amending Section 167 to provide for optional parking in all new residential buildings or conversions to residential buildings of 10 units or more; amending Section 204.5 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional use permit is providing car-share parking; amending Section 790.10 to include a car-share parking space as part of a community residential parking use; amending Section 890.7 to include a car-share parking space as part of a community residential automobile parking lot use; amending Section 890.8 to include a car-share parking space as part of a community residential automobile parking garage use; and adopting findings.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

Recommendations of the Rules Committee

080527 [Requiring Assessor to report reductions of real property assessments]
Supervisors Sandoval, Peskin, Daly

Ordinance amending the San Francisco Administrative Code by adding Section 10.2-9, to require the Assessor to post monthly reports of any reductions of assessed values of real properties.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080529 [Requiring Activation of Closed Captions on Television Receivers]
Supervisors Alioto-Pier, Dufty, Ammiano

Ordinance amending the San Francisco Police Code by adding Article 44, Sections 4400 to 4407 to require the activation of closed captioning on television receivers intended for use by the general public and authorizing the imposition of civil penalties and/or criminal fines for violations of this requirement.

PASSED ON FIRST READING by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080698 **[Confirming the reappointment of Ann Blumlein Lazarus to the San Francisco Port Commission]**
Mayor

Motion confirming the reappointment of Ann Blumlein Lazarus to the San Francisco Port Commission for a four-year term ending May 1, 2012.

APPROVED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080799 **[Appointment- Veterans Affairs Commission- Stephen Noetzel]**
Motion appointing Stephen Noetzel, term ending January 31, 2012, to the Veterans Affairs Commission.

Stephen Noetzel, succeeding Wallace Levin, term expired, seat 3, must be an at-large appointment, for a four year term ending January 31, 2012.
(Supervisor Dufty dissented in committee.)

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to amend by replacing the name of "Stephen Noetzel" with "Wallace Levin."
Motion to amend failed by the following vote:
Ayes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd
Noes: 6 - Ammiano, Daly, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1- Maxwell

NOT APPROVED by the following vote:
Ayes: 5 - Ammiano, Daly, Mirkarimi, Peskin, Sandoval
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, McGoldrick
Excused: 1 - Maxwell

From the Rules Committee Without Recommendation

080619 **[Providing for appointment rather than election of the City Treasurer]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, and set qualifications for the office of Treasurer.

Continued to June 24, 2008

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

080620 **[Creating a Public Works Commission, setting its powers and duties; authorizing the Mayor to appoint the Director of Public Works]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding a new Section 4.121.5 and amending Sections 3.104, 4.130 and D3.750-4, to create a Public Works Commission and establish its powers and duties, and authorize the Mayor to appoint the Director of Public Works.

Continued to June 24, 2008

Supervisor Mirkarimi, seconded by Supervisor Alioto-Pier, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Maxwell

SPECIAL ORDER 3:00 P.M.

Board of Supervisors Sitting as a Committee of the Whole

Supervisor McGoldrick was present at 3:20 p.m.

080722 **[Committee of the Whole - Beilenson Hearing]**

Hearing to consider the Department of Public Health's budget eliminating or reducing medical services.

The President inquired as to whether any member of the public wished to address the Board members.
Bill Hirsh; expressed concern with the proposed reductions in the budget for the Department of Public Health
Raymond; expressed concern with the proposed reductions in the budget for the Department of Public Health
Roger Kat; expressed concern with the proposed reductions in the budget for the Department of Public Health
Patrcik Monette-Shaw; expressed concern with the proposed reductions in the budget for the Department of Public Health
C.W Johnson; expressed concern with the proposed reductions in the budget for the Department of Public Health
Connie Ford; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jenny Wiley; expressed concern with the proposed reductions in the budget for the Department of Public Health
Male speaker; expressed concern with the proposed reductions in the budget for the Department of Public Health
Felicia Houston; expressed concern with the proposed reductions in the budget for the Department of Public Health
Boby Bogan; expressed concern with the proposed reductions in the budget for the Department of Public Health
Janet Goy; expressed concern with the proposed reductions in the budget for the Department of Public Health
Michael Discepola; expressed concern with the proposed reductions in the budget for the Department of Public Health
Michale Sonders; expressed concern with the proposed reductions in the budget for the Department of Public Health
Eve Meyer; expressed concern with the proposed reductions in the budget for the Department of Public Health
Michael Siever; expressed concern with the proposed reductions in the budget for the Department of Public Health
Courtney Mulhern-Pearson; expressed concern with the proposed reductions in the budget for the Department of Public Health
Nancy Brundy; expressed concern with the proposed reductions in the budget for the Department of Public Health
Bill Kelly; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jacob Moody; expressed concern with the proposed reductions in the budget for the Department of Public Health
Rod Libby; expressed concern with the proposed reductions in the budget for the Department of Public Health
Ben Eilanc; expressed concern with the proposed reductions in the budget for the Department of Public Health
Antonio Morgan; expressed concern with the proposed reductions in the budget for the Department of Public Health
Richard Heasly; expressed concern with the proposed reductions in the budget for the Department of Public Health
Kat Casela; expressed concern with the proposed reductions in the budget for the Department of Public Health
Alecia Hopper; expressed concern with the proposed reductions in the budget for the Department of Public Health
Joey Caiti; expressed concern with the proposed reductions in the budget for the Department of Public Health
Li Campanello; expressed concern with the proposed reductions in the budget for the Department of Public Health
Dr. Alicia Boccellari; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jim Dilley; expressed concern with the proposed reductions in the budget for the Department of Public Health
Dr. Laurie Richer; expressed concern with the proposed reductions in the budget for the Department of Public Health
David Guldmann; expressed concern with the proposed reductions in the budget for the Department of Public Health
Dr. Garnette Cotton; expressed concern with the proposed reductions in the budget for the Department of Public Health

Dr. Susan Scheidt; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jimmy Loyce; expressed concern with the proposed reductions in the budget for the Department of Public Health
Alexandra Goldman; expressed concern with the proposed reductions in the budget for the Department of Public Health
Joseles DeLa Cruz; expressed concern with the proposed reductions in the budget for the Department of Public Health
Dr. Valerie Gruber; expressed concern with the proposed reductions in the budget for the Department of Public Health
Mark Freeman; expressed concern with the proposed reductions in the budget for the Department of Public Health
Larry Nelson; expressed concern with the proposed reductions in the budget for the Department of Public Health
Peter Masiak; expressed concern with the proposed reductions in the budget for the Department of Public Health
Lauren Enteen; expressed concern with the proposed reductions in the budget for the Department of Public Health
Luis Barahong; expressed concern with the proposed reductions in the budget for the Department of Public Health
Angela Gholukely; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jo Anne Boatman; expressed concern with the proposed reductions in the budget for the Department of Public Health
Male speaker; expressed concern with the proposed reductions in the budget for the Department of Public Health
Perry Zinnanti; expressed concern with the proposed reductions in the budget for the Department of Public Health
Harley Schapiro; expressed concern with the proposed reductions in the budget for the Department of Public Health
Carlo Olsen; expressed concern with the proposed reductions in the budget for the Department of Public Health
Pat Putney; expressed concern with the proposed reductions in the budget for the Department of Public Health
Lusa Alarva; expressed concern with the proposed reductions in the budget for the Department of Public Health
Peter Dale; expressed concern with the proposed reductions in the budget for the Department of Public Health
Anthony Alfred; expressed concern with the proposed reductions in the budget for the Department of Public Health
Ed Connelly; expressed concern with the proposed reductions in the budget for the Department of Public Health
Eric Robinson; expressed concern with the proposed reductions in the budget for the Department of Public Health
Dwan Williams; expressed concern with the proposed reductions in the budget for the Department of Public Health
Zhi Ping Lin; expressed concern with the proposed reductions in the budget for the Department of Public Health
Cynthia Tom; expressed concern with the proposed reductions in the budget for the Department of Public Health
Kavoos Bassiri; expressed concern with the proposed reductions in the budget for the Department of Public Health
Anthony Appedu; expressed concern with the proposed reductions in the budget for the Department of Public Health
Freddy Sherman; expressed concern with the proposed reductions in the budget for the Department of Public Health
Lionel Sanderford; expressed concern with the proposed reductions in the budget for the Department of Public Health

Katie Alsup; expressed concern with the proposed reductions in the budget for the Department of Public Health
Cartina Hanson; expressed concern with the proposed reductions in the budget for the Department of Public Health
James Chionsini; expressed concern with the proposed reductions in the budget for the Department of Public Health
Colleen Rvecca; expressed concern with the proposed reductions in the budget for the Department of Public Health
Starchild; expressed concern with the proposed reductions in the budget for the Department of Public Health
Mottoree Mackey; expressed concern with the proposed reductions in the budget for the Department of Public Health
Fred Pecker; expressed concern with the proposed reductions in the budget for the Department of Public Health
EJ Abay; expressed concern with the proposed reductions in the budget for the Department of Public Health
Heidi T. Tuason; expressed concern with the proposed reductions in the budget for the Department of Public Health
Vernon Newton; expressed concern with the proposed reductions in the budget for the Department of Public Health
Vera Haile; expressed concern with the proposed reductions in the budget for the Department of Public Health
Hillary Parsons; expressed concern with the proposed reductions in the budget for the Department of Public Health
Mo Kashmiri; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jose Morales; expressed concern with the proposed reductions in the budget for the Department of Public Health
George Turner; expressed concern with the proposed reductions in the budget for the Department of Public Health
Rafeal Restauro; expressed concern with the proposed reductions in the budget for the Department of Public Health
Mary Kate Connor; expressed concern with the proposed reductions in the budget for the Department of Public Health
Celester Chau; expressed concern with the proposed reductions in the budget for the Department of Public Health
Christine Dehlendorf; expressed concern with the proposed reductions in the budget for the Department of Public Health
Peter Wong; expressed concern with the proposed reductions in the budget for the Department of Public Health
Ken Lockhart; expressed concern with the proposed reductions in the budget for the Department of Public Health
Christie Shea; expressed concern with the proposed reductions in the budget for the Department of Public Health
Diana; expressed concern with the proposed reductions in the budget for the Department of Public Health
Christine Ericksen; expressed concern with the proposed reductions in the budget for the Department of Public Health
Brian Rector; expressed concern with the proposed reductions in the budget for the Department of Public Health
Alfredta Nesbett; expressed concern with the proposed reductions in the budget for the Department of Public Health
Cynthia Brown; expressed concern with the proposed reductions in the budget for the Department of Public Health
Rochelle Masagea; expressed concern with the proposed reductions in the budget for the Department of Public Health
Vincent Lui; expressed concern with the proposed reductions in the budget for the Department of Public Health
Colleen Fernald; expressed concern with the proposed reductions in the budget for the Department of Public

Health
Susan Stofan; expressed concern with the proposed reductions in the budget for the Department of Public Health
Linzie L. Coleman; expressed concern with the proposed reductions in the budget for the Department of Public Health
Alfredo Mireles, Jr.; expressed concern with the proposed reductions in the budget for the Department of Public Health
Max Haptonstahl; expressed concern with the proposed reductions in the budget for the Department of Public Health
Allison Bosshardt; expressed concern with the proposed reductions in the budget for the Department of Public Health
Michael Leslie; expressed concern with the proposed reductions in the budget for the Department of Public Health
Dr. Donald Tarver; expressed concern with the proposed reductions in the budget for the Department of Public Health
Thomas Simpson; expressed concern with the proposed reductions in the budget for the Department of Public Health
Ken Reggio; expressed concern with the proposed reductions in the budget for the Department of Public Health
Martha Hawthrone; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jennifer Friedenbach; expressed concern with the proposed reductions in the budget for the Department of Public Health
Jason; expressed concern with the proposed reductions in the budget for the Department of Public Health
Public Health Nurse; expressed concern with the proposed reductions in the budget for the Department of Public Health
Dorothy Chavez; expressed concern with the proposed reductions in the budget for the Department of Public Health
Heidi; expressed concern with the proposed reductions in the budget for the Department of Public Health
Ms.Rappadot; expressed concern with the proposed reductions in the budget for the Department of Public Health
Mr. Hessler; expressed concern with the proposed reductions in the budget for the Department of Public Health
Female speaker; expressed concern with the proposed reductions in the budget for the Department of Public Health
Ms. Garrison; expressed concern with the proposed reductions in the budget for the Department of Public Health
Debbie Lerner; expressed concern with the proposed reductions in the budget for the Department of Public Health
The President declared the public hearing closed.

FILED.

COMMITTEE REPORTS

080350 **[Enterprise Zone Tax Credit Law]**
Mayor

Draft Ordinance amending Section 906A of the Business and Tax Regulations Code to delete the requirement that a new job be created to obtain the Enterprise Zone Tax Credit after the effective date; to apply the credit to all newly hired Qualified Employees; to revise the definition of "Qualified Employee"; to conform the geographical boundaries of the San Francisco Enterprise Zone with the area approved by the State Department of Housing and Community Development; and to delete an outdated reference to the Private Industry Council and to establish a sunset date.

(Economic Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbemd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

080348 **[Enterprise Zone Designation]**
Mayor, Supervisor Peskin

Resolution supporting California Enterprise Zone Designation for the City and County of San Francisco.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Maxwell

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Library
Richard McGeary; expressed concern with issues relating a patent for his design for Sigmund Grove
Peter Warfield; expressed concern with issues relating to SF Library and fees imposed by the Library
Walter; expressed in song certain general issues
John Di Dona; showed interest in support of same sex marriage
Eugene Gordon, Jr.; expressed concern with issues relating to the violations of human rights
Female speaker; expressed concern with issues relating to the violations of human rights to Falun Gong practioners
Alan Zing; expressed concern with issues relating to the violations of human rights to Falun Gong practitioners

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

Supervisor McGoldrick was noted absent at 2:58 p.m.

080833 [Commending the Friends and Advocates of Crocker-Amazon and the Excelsior, the Precita Eyes Mural Center, and the Neighborhood Parks Council on the completion of the Crocker-Amazon Playground Mosaic Tile Project]

Supervisor Sandoval

Resolution commending the Friends and Advocates of Crocker-Amazon and the Excelsior, the Precita Eyes Mural Center, and the Neighborhood Parks Council on the completion of the Crocker-Amazon Playground Mosaic Tile Project.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Maxwell

080834 **[70 day extension for Planning Commission review - Zoning Map ZN Amendment]**
Supervisor Sandoval

Resolution extending by 70 days the prescribed time within which the Planning Commission may render its decision on a proposed Ordinance that would amend Zoning Map ZN of the Zoning Map of the City and County of San Francisco to change the use classification of Block 6969, Lot 11, located on the southwest corner of Mission and Seneca Streets, from RH-1 (Residential, One-Family) District to NC-3 (Moderate-Scale, Neighborhood Commercial) District; adopting findings, including environmental findings and findings of consistence with the General Plan and priority policies of Planning Code Section 101.1.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Maxwell

080836 **[Application to California State Department of Housing and Community Development for BEGIN Program funding]**
Supervisor Daly

Resolution authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the BEGIN Program; the execution of a standard agreement if selected for such funding and any amendments thereto; the execution of a designation agreement if selected for such funding and any amendments thereto; the execution of any related documents necessary to participate in the BEGIN Program.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Maxwell

080837 **[Honoring Belinda Bellinger]**
Supervisor Daly

Resolution commending Belinda Bellinger for her service to the youth of San Francisco and wishing her well until she returns to our great city.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Maxwell

080838 **[Urging Congress to hold hearings on House Resolution 676]**
Supervisor Ammiano

Resolution Urging the United States House of Representatives to begin hearings on House Resolution 676 – The United States National Health Insurance Act (Expanded and Improved Medicare for All) authored by Representative John Conyers, Jr. (D - MI).

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Maxwell

080839 [Requesting the City Attorney investigate the City's options to ensure skycaps and other service workers at SFO will retain their tips]

Supervisor Ammiano

Resolution requesting the City Attorney investigate the City's options to ensure skycaps and other service workers at the San Francisco International Airport will retain their tips and work with the Los Angeles City Attorney.

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Mirkarimi, Peskin, Sandoval
Absent: 1 - McGoldrick
Excused: 1 - Maxwell

Severed From the Without Reference to Committee Agenda

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

080835 **[Authorizing the Department of the Environment to develop a proposal for an environmental education program based on the EcoMedia term sheet]**

Supervisor Mirkarimi

Resolution authorizing the Department of the Environment to develop a proposal for an EcoZone environmental education program for San Francisco, based on the EcoMedia term sheet.

Supervisor Elsbernd requested that this matter be severed so that it might be considered separately.

REFERRED.

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

PROPOSED RESOLUTIONS

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 6:58 p.m.

BOARD OF SUPERVISORS
CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

VOTES

MEETING MINUTES - DRAFT

Tuesday, June 24, 2008 2:00 PM

/24/08

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT
MICHELA ALIOTO-PIER, TOM AMMIANO, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL
Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership	Meeting Days
Budget and Finance Committee Supervisors McGoldrick, Elsbernd, Mirkarimi, Daly, Chu	Wednesday 1:00 PM
City and School District Select Committee Supervisors Dufty, Mirkarimi, Alioto-Pier, Commissioners Kim, Mendoza, Mar	1st and 3rd Thursday 3:30 PM
City Operations and Neighborhood Services Committee Supervisors Chu, McGoldrick, Elsbernd	1st and 3rd Thursday 1:00 PM
Government Audit and Oversight Committee Supervisors Peskin, Ammiano, Maxwell	1st and 3rd Monday 10:00 AM
Land Use and Economic Development Committee Supervisors Maxwell, Sandoval, Peskin	Monday 1:00 PM
Public Safety Committee Supervisors Mirkarimi, Maxwell, Dufty	2nd and 4th Monday 10:00 AM
Rules Committee Supervisors Daly, Dufty, Ammiano	1st and 3rd Thursday 10:00 AM

DOCUMENTS DEPT.

JUN 27 2008

SAN FRANCISCO
PUBLIC LIBRARY

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Members Present: Michela Alioto-Pier, Tom Ammiano, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:03 p.m. On the call of the roll all Supervisors were noted present.

There was a quorum present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Chu, moved to approve the Board Meeting Minutes of May 13, 2008 and a Special Board of Supervisors Meeting of the Budget and Finance Committee of May 14, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

CONSENT AGENDA

Recommendations of the Rules Committee

080628 **[Settlement of Lawsuit - CCSF v. Competent Builders, Inc. - $510,000]**

Ordinance authorizing settlement of the lawsuit, entitled City and County of San Francisco v. Competent Builders, Inc., Alameda County Superior Court Case No: RG-05-229-274 (formerly San Francisco Superior Court Case No. CGC-04-437148) in the amount of $510,000 paid to San Francisco by Competent Builders, Inc., and its subcontractors. (City Attorney)

FINALLY PASSED

080629 **[Settlement of Lawsuit - Tamara Josi - $75,000]**

Ordinance authorizing settlement of the lawsuit filed by Tamara Josi against the City and County of San Francisco for $75,000; the lawsuit was filed on May 9, 2007 in San Francisco Superior Court, Case No. 463219; entitled Tamara Josi, et al., v. City and County of San Francisco, et al. (City Attorney)

FINALLY PASSED

080527 **[Requiring Assessor to report reductions of real property assessments]**
Supervisors Sandoval, Peskin, Daly

Ordinance amending the San Francisco Administrative Code by adding Section 10.2-9, to require the Assessor to post monthly reports of any reductions of assessed values of real properties.

FINALLY PASSED

080529 **[Requiring Activation of Closed Captions on Television Receivers]**
Supervisors Alioto-Pier, Dufty, Ammiano

Ordinance amending the San Francisco Police Code by adding Article 44, Sections 4400 to 4407 to require the activation of closed captioning on television receivers intended for use by the general public and authorizing the imposition of civil penalties and/or criminal fines for violations of this requirement.

FINALLY PASSED

080713 **[Appointment - Graffiti Advisory Board, Rebecca Delgado Rottman]**
Motion appointing Rebecca Delgado Rottman, term ending April 10, 2009, to the Graffiti Advisory Board.

Rebecca Delgado Rottman, succeeding Deborah Mansfield, resigned, seat 16, must represent private schools or art schools who operate in San Francisco, for unexpired portion of a two-year term ending April 10, 2009.

APPROVED

080714 **[Appointment - S. F. Health Authority, Randy L. Wittorp]**
Motion appointing Randy L. Wittorp, term ending January 15, 2011, to the San Francisco Health Authority.

Randy L. Wittorp, succeeding Nathan Nayman, term expired, seat 2, must be nominee of Hospital Council of Northern California, for three-year term ending January 15, 2011.

APPROVED

080717 **[Appointment - Food Security Task Force, Diana Jensen]**
Motion appointing Diana Jensen, term ending March 15, 2009, to the Food Security Task Force; residency requirement waived.

Diana Jensen, seat 5, must be from the Department of Aging and Adult Services of the Human Services Agency, for term ending March 15, 2009.

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Consent Agenda

Supervisor Alioto-Pier requested that this matter be severed so that it might be considered separately.

Recommendation of the Land Use and Economic Development Committee

080095 [Requirements for off-street parking and loading]
Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 150 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 151 to reduce the required number of parking spaces for housing for seniors and physically handicapped persons, affordable housing, group housing, SRO units and residential care facilities; amending Section 154 to revise the minimum dimensions for off-street parking spaces, to encourage space-efficient parking and to no longer require independently accessible parking and define independently accessible parking to include parking accessed by automated garages or car elevators and valet parking; amending Section 155 to delete a requirement for independently accessible parking and require parking design to prevent bicycle and transit lane conflicts; amending Section 157 to provide for a demonstration that car-share parking cannot satisfy the need for non-accessory parking as a conditional use; amending Section 167 to provide for optional parking in all new residential buildings or conversions to residential buildings of 10 units or more; amending Section 204.5 to allow residential accessory parking, including required spaces, in residential districts to be rented or leased to residents who live in the area; amending Section 303(c)(2)(B) to provide for consideration of whether a use seeking a conditional use permit is providing car-share parking; amending Section 790.10 to include a car-share parking space as part of a community residential parking use; amending Section 890.7 to include a car-share parking space as part of a community residential automobile parking lot use; amending Section 890.8 to include a car-share parking space as part of a community residential automobile parking garage use; and adopting findings.

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

REGULAR AGENDA

UNFINISHED BUSINESS

Recommendations of the Budget and Finance Committee

080723 [Interim Consolidated Budget and Annual Appropriation Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency, Fiscal Years 2008-2009 and 2009-2010]
Mayor

Interim Consolidated Budget and Annual Appropriation Ordinance appropriating all estimated receipts and all estimated expenditures for the City and County of San Francisco for fiscal year ending June 30, 2009 and for the Municipal Transportation Agency fiscal years ending June 30, 2009 and June 30, 2010.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

FINALLY PASSED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080724 **[Interim Annual Salary Ordinance, Fiscal Year 2008-2009 and for the Municipal Transportation Agency Fiscal Years 2008-2009 and 2009-2010]**
Mayor

Interim Annual Salary Ordinance enumerating positions in the Annual Budget and Appropriation Ordinance for the Fiscal Year ending June 30, 2009 and for the Municipal Transportation Agency, Fiscal Years ending June 30, 2009 and June 30, 2010, continuing, creating or establishing these positions; enumerating and including therein all positions created by Charter or State law for which compensations are paid from City and County funds and appropriated in the Annual Appropriation Ordinance; authorizing appointments or continuation of appointments thereto; specifying and fixing the compensations and work schedules thereof; and authorizing appointments to temporary positions and fixing compensations therefor.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Recommendations of the Government Audit and Oversight Committee

080350 **[Enterprise Zone Tax Credit Law]**
Mayor

Ordinance amending Section 906A of the Business and Tax Regulations Code to delete the requirement that a new job be created to obtain the Enterprise Zone Tax Credit after the effective date; to apply the credit to all newly hired Qualified Employees; to revise the definition of "Qualified Employee"; to conform the geographical boundaries of the San Francisco Enterprise Zone with the area approved by the State Department of Housing and Community Development; to delete an outdated reference to the Private Industry Council and to establish a sunset date.

(Economic Impact.)

FINALLY PASSED by the following vote:
Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

080779 **[Closure of the Potrero Power Plant]**
Supervisors Maxwell, Dufty, McGoldrick, Peskin, Sandoval, Mirkarimi

Resolution urging the Public Utilities Commission and the City Attorney to present to the California Independent System Operator a transmission-only solution to close the entire Potrero Power Plant; and establishing minimum criteria for any in-City generation projects to close the Potrero Power Plant.

Supervisor Daly moved to divide the question.
Motion to adopt the question relating to transmission issues was adopted by the following:
Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1- Maxwell

Supervisor Alioto-Pier moved to divide the question relating to the Trans Bay Cable (5th Whereas Clasue):

Motion to adopt the question relating to the Trans Bay Cable:
Ayes: 8 - Ammiano, Chu, Dufty, Elsbernd, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 3 - Alioto-Pier, Daly, Maxwell

The question relating to the minimum criteria for city generated projects was referred to Committee.
Supervisor Maxwell, seconded by Supervisor Elsbernd, moved that this Resolution be RE-REFERRED to the Government Audit and Oversight Committee. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Rules Committee Without Recommendation

080619 **[Providing for appointment rather than election of the City Treasurer]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding Section 3.106, amending Sections 6.100, 13.101, 13.101.5, 13.102, and 14.103, and repealing Section 6.106, to provide for appointment rather than election of the City Treasurer, and set qualifications for the office of Treasurer.

Continued to July 8, 2008
Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080620 **[Creating a Public Works Commission, setting its powers and duties; authorizing the Mayor to appoint the Director of Public Works]**
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by adding a new Section 4.121.5 and amending Sections 3.104, 4.130 and D3.750-4, to create a Public Works Commission and establish its powers and duties, and authorize the Mayor to appoint the Director of Public Works.

Continued to July 8, 2008
Supervisor McGoldrick, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendation of the Budget and Finance Committee

080735 [Disbursements from Budget Savings Incentive Fund FY 08-09]
Mayor

Resolution approving disbursements from the Budget Savings Incentive Fund.

(Fiscal Impact.)
(Supervisor Daly dissented in committee.)

Supervisor McGoldrick, seconded by Supervisor Elsbernd, moved that this Resolution be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

ADOPTED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Ammiano, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 1 - Daly

Recommendations of the Government Audit and Oversight Committee

080277 [Administrative Code Chapter 6 - technical amendments and amendments to contracting procedures]
Supervisor Chu

Ordinance amending San Francisco Administrative Code Chapter 6 to correct typographical errors in Subsections 6.22(B) and 6.22(H)(2)(d), to clarify and revise Subsection 6.22(J) concerning retention of progressive payments, to clarify and revise Subsection 6.23(C) concerning the rejection or failure of bids, to revise Section 6.61 concerning design-build contracting procedures, and to add a new Section 6.28 authorizing the use of integrated project delivery.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080697 [Unrepresented Employees]
Mayor

Ordinance fixing compensation for persons employed by the City and County of San Francisco whose compensations are subject to the provisions of Section A8.409 of the Charter, in job codes not represented by an employee organization, and establishing working schedules and conditions of employment and, methods of payment, effective July 1, 2008.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080582 **[Approval of Agreement between the City and County of San Francisco and Serco, Inc. for Administrative Services in Support of the SFpark Project, for a contract term of two years and an amount not-to-exceed $22,080,000]**

Resolution approving the Agreement between the City and County of San Francisco and Serco, Inc. for Administrative Services in Support of the SFpark Project. (Municipal Transportation Agency)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080581 **[Approval of Sixth Amendment to Agreement with Serco Inc. for parking meter collection and management services, to extend the term by two years and increase the contract amount by $10,000,000]**

Resolution approving the Sixth Amendment to the Agreement between Serco Management Systems, Inc. and the City and County of San Francisco, through the San Francisco Municipal Transportation Agency. (Municipal Transportation Agency)

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080689 **[Presidio and City and County of San Francisco Transportation Work Group]**
Supervisor Alioto-Pier

Resolution establishing the Presidio and City and County of San Francisco Transportation Work Group.

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Rules Committee

080613 **[Local Business Enterprise and Non-Discrimination in Contracting Ordinance shall terminate 120 days after the injunction in Coral v. Construction, Inc. (S.F. Sup. Ct. No. 421249) is lifted or stayed]**
Mayor, Supervisor Alioto-Pier

Ordinance amending the Administrative Code 14B.18 to suspend enforcement of 14.B and reinstate Chapter 12D.A. 120 days after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

Supervisor Alioto-Pier, seconded by Supervisor Chu, moved that this Ordinance be PASSED ON FIRST READING. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080614 [Extending the Expiration date of the MBE/WBE/LBE Ordinance]
Mayor, Supervisor Alioto-Pier

Ordinance extending the expiration date of Chapter 12D.A, the City's Minority/Women/Local Business Utilization program until one year after the injunction in Coral Construction, Inc. v. City and County of San Francisco (S.F. Sup. Ct. No. 421249) is lifted or stayed.

Supervisor Alioto-Pier, seconded by Supervisor Elsbernd, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080699 [Appointment, Planning Commission - Gwyneth Borden]
Mayor

Motion approving the Mayor's appointment of Gwyneth Borden to the Planning Commission term ending July 1, 2010.

(Section 4.105 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 080700. Transmittal date – May 19, 2008.)

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080643 [City Elections In Even-Numbered Years]
Supervisor McGoldrick

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Sections 2.101 and 13.101 and Article XVII to change the election cycle for the offices of Mayor, Sheriff, District Attorney, City Attorney and Treasurer so that these offices will be elected in even-numbered years; and to amend the definition of general municipal election so that such elections occur only in even-numbered years.

Continued to July 8, 2008

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Charter Amendment be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.

070910 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 3424 Jackson Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated May 31, 2007 (Case No. 2005.1134E), exempting from environmental review under Categorical Exemption Class 1, [State Guidelines, Section 15301(e)(1)]. The proposal would construct an addition of approximately 780 square feet (sq ft) of new space, room repartitions, removal of a rear fire escape, and addition of a new rear egress staircase and three decks to a 6,510-sq ft, 35-foot-high, four-story, single-family dwelling constructed circa 1921. The proposed alterations would result in a building approximately 7,289 sq ft and 35 feet high with enlarged ground, first, second, and third floors to the rear (about 487 sq ft of additional space), and enlarged fourth floor toward the front of the building (an expansion of 292 sq ft). The site is a rectangular 4,469-sq ft parcel (Assessor's Block 0971; Lot 003B). The project site, located in the Presidio Heights neighborhood is zoned RH-1 (Residential, House - One Family) and is within a 40-X height and bulk district.
(Appellant: Howard N. Ellman on behalf of Mr. and Mrs. Karkar)

(Filed June 14, 2007; companion measure to 070911, 070912, 070913; District 2.)

Continued to July 29, 2008 at a Special Order at 3:30 pm.
Motion to waive Board Rule 4.29 was approved without objection.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Hearing be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

070911 [Affirming the Categorical Exemption issued for the 3424 Jackson Street project]

Motion affirming the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to July 29, 2008 at a Special Order at 3:30 pm.
Motion to waive Board Rule 4.29 was approved without objection.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070912 **[Disapproving the Categorical Exemption issued for the 3424 Jackson Street project]**

Motion disapproving the determination by the Planning Department that the 3424 Jackson Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to July 29, 2008 at a Special Order at 3:30 pm.
Motion to waive Board Rule 4.29 was approved without objection.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

070913 **[Preparation of findings related to the 3424 Jackson Street project]**

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 3424 Jackson Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Continued to July 29, 2008 at a Special Order at 3:30 pm.
Motion to waive Board Rule 4.29 was approved without objection.

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

COMMITTEE REPORTS

080662 **[Fees for Processing a Redemption of Tax Defaulted Property or a Secured Property Tax Second Installment Delinquency Notice]**

Mayor, Supervisor McGoldrick

Ordinance amending the San Francisco Administrative Code by amending Section 8.34.1, to authorize the Tax Collector to charge a fee of $55.00 to cover the cost of processing a redemption of property that is in default due to the failure to pay property tax and a fee of $45.00 to cover the cost of processing a delinquency notice on the second installment of each separate valuation on the secured property tax roll, and to provide for an automatic adjustment of the fees for inflation.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080766 **[De-appropriating $2,500,000 of Hotel Room Tax from the Low Income Housing Program and Re-appropriating $2,500,000 to the General Fund for Fiscal Year 2007-2008]**
Mayor

Ordinance de-appropriating $2,500,000 of Hotel Room Tax from the Low Income Housing Program and re-appropriating $2,500,000 to the General Fund in the Mayor's Office for Fiscal Year 2007-2008.

Continued to July 15, 2008

Supervisor Daly, seconded by Supervisor Mirkarimi, moved that this Ordinance be CONTINUED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080767 **[Redevelopment Agency Budget]**
Mayor

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2007-08 by increasing the Agency's tax increment receipts for Affordable Housing activities and authorizing expenditure in an amount not to exceed $22,401,050 by authorizing a cooperation agreement with the City and County of San Francisco, and authorizing the Agency to increase its annual statement of indebtedness by a like amount not to exceed $22,401,050, all Redevelopment Project Areas.

(Fiscal Impact.)

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

080885 **[Appointment, Board of Appeals - Rafael Mandleman]**
Supervisor Peskin

Motion approving Board of Supervisors President Peskin's appointment of Rafael Mandleman to the Board of Appeals for the unexpired balance of the term ending July 1, 2010.

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

James Chaffee; expressed concern with issues relating to the SF Public Library
Walter; shared with the Board members SF memorablia
Richard McGeary; expressed concern with issues relating to his patent for the Sigmund Stern Grove
Eugene Gordon; expressed concern with issues relating to the violation of human rights
Erin; expressed concern with issues relating to the SF Library fines for lost or damaged books under the link plus books program
Peter Warfield; expressed concern with issues relating to the SF Library fines for lost or damaged books under the link plus books program
John di Donna; expressed concern with issues relating to violence in our youth and ending the war
Erin; expressed concern with issues relating to public safety and affordable housing and toxic environment the Bay View Hunters Point Area
Sydney; expressed concern with issues relating to public safety and affordable housing and toxic environment the Bay View Hunters Point Area
Male speaker; expressed concern with issues relating to the Lennar construction in the Bayview Huners Point community
Adele; expressed concern with issues relating to the Lennar construction in the Bayview Huners Point community
Cecil Mills; expressed concern with issues relating to Mars
Francisco da Costa; expressed concern with issues relating to the Lennar construction in the Bayview Huners Point community
Male speaker; expressed concern with issues relating to the Lennar construction in the Bayview Hunters Point community
Francisco da Costa; expressed concern with issues relating to the Bay View Hunters Point area

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

080898 **[Commending Dennis Richmond on his 40 year career at KTVU]**
Supervisor Dufty

Resolution commending Dennis Richmond on his 40 year career at KTVU.

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED

080899 [Congratulating the opening of the Contemporary Jewish Museum on June 8, 2008]
Supervisors Dufty, Peskin

Resolution congratulating the opening of the Contemporary Jewish Museum in the City and County of San Francisco on June 8, 2008.

Supervisor Mirkarimi requested to be added as a co-sponsor.
ADOPTED

080900 [Commending Michael Lumpkin on 28 years of dedication to Frameline and the San Francisco International LGBT Film Festival]
Supervisors Dufty, Ammiano

Resolution commending Michael Lumpkin on 28 years of dedication to Frameline and the San Francisco International LGBT Film Festival.

ADOPTED

080901 [Grant to fund a study through the HIV Prevention Section, Department of Public Health - $10,566]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $10,566 from the Public Health Foundation Enterprises (PHFE), the primary contractor, with funds from the National Institutes of Health, to support a study entitled "Aripiprazole to Reduce Methamphetamine Use among MSM with HIV," for the period of September 28, 2007 through July 31, 2008.

ADOPTED

080902 [Grant to fund a study through the HIV Prevention Section, Department of Public Health - $12,680]
Supervisor Dufty

Resolution authorizing the San Francisco Department of Public Health (DPH), to accept and expend retroactively a grant in the amount of $12,680 from the Public Health Foundation Enterprises (PHFE), the primary contractor, with funds from the National Institutes of Health, to support a study entitled "Aripiprazole Treatment for Methamphetamine Using MSM," for the period of August 1, 2007 through July 31, 2008.

ADOPTED

080903 [In support of Senate Bill 1420 - Nutritional Information on Menus and Menu Boards]
Supervisor Ammiano

Resolution supporting Senate Bill 1420—Nutritional Information on Menus and Menu Boards.

ADOPTED

080636 [Final Map - 766 Harrison Street]

Motion approving Final Map 4566, a 98 Residential Unit and 5 Commercial Unit Mixed-Use Condominium Project, located at 766 Harrison Street being a subdivision of Lot 153 in Assessors Block No. 3751 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,548; District 6.)

APPROVED

080721 **[Final Map - 1115 - 1125 Noe Street]**

Motion approving Final Map 3598, a 6 Unit Residential Condominium Project, located at 1115 – 1125 Noe Street being a subdivision of Lot 024A in Assessors Block No. 6508 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,571; District 8.)

APPROVED

080790 **[Final Map - 1 Polk Street]**

Motion approving Final Map 4587, a 179 Residential Unit and 4 Commercial Unit Mixed-Use Condominium Project, located at 1 Polk Street being a subdivision of Lot 022 in Assessors Block No. 0814 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,581; District 6.)

APPROVED

080795 **[Final Map - Planned Development - Mission Bay]**

Motion approving Final Map No. 4375 Planned Development Mission Bay, a ten (10) lot subdivision, being a Merger and Resubdivision of Lot A, Lot 6, Lot 9 and Lot 10 as shown on that certain final entitled "FINAL MAP PLANNED DEVELOPMENT MISSION BAY" filed for record on January 25, 2001 in Book Z of Maps, at Pages 154-162, Records of the City and County of San Francisco; approving a public improvement agreement related to the final map; and adopting findings pursuant to the General Plan and City Planning Code Section 101.1 and the Mission Bay South Redevelopment Plan and Plan Documents. (Public Works Department)

(DPW Order 177,602.)

APPROVED

080841 **[Final Map - 300 Berry Street]**

Motion approving Final Map 4007, a one-lot subdivision for condominium purposes, being a 270-unit mixed-use condominium project of Lot 6 in Assessors Block No. 8704, located at 300 Berry Street, and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,597; District 6.)

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

OFF-AGENDA LEGISLATION

PROPOSED ORDINANCES

080856 **[Mission Bay South-Acceptance of Land and Improvements on Third Street for Blocks 17, 20 and 23]**

Ordinance accepting the Mission Bay Blocks 17, 20, 23 Public Improvements-Phase 1; approving the dedication of the strip of land 5.00 feet in width, along the west side of Third Street for right-of-way purposes; designating street grades and sidewalk widths; accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,603; and authorizing official acts in connection with this ordinance. (Public Works Department)

6/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

080857 **[Mission Bay South-Acceptance of Land and Improvements for the 7th and16th Street Intersection]**

Ordinance accepting the dedication for public street and roadway purposes of the two (2) portions of properties adjacent to 16th Street and accepting the irrevocable offer for the 7th and 16th Street Intersection Infrastructure Improvements; designating street grades and accepting the irrevocable offer for the acquisition facilities for public use and maintenance purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 177,604; and authorizing official acts in connection with this ordinance. (Public Works Department)

6/11/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

PROPOSED RESOLUTIONS

080854 **[Amendment to Contract with Geomatrix Consultants, Inc.]**

Resolution approving an amendment to the contract with Geomatrix Consultants, Inc. to extend the term through June 30, 2009, to modify the scope of services, and to increase the contract by an amount not to exceed $180,000 for a new total amount not to exceed $1,439,000 for environmental consulting services. (Treasure Island Development Authority)

6/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

ADJOURNMENT

There being no further business, the Board adjourned at the hour of 4:07 p.m.

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